Initial Study

Douglas Place

PDC07-089 and Sunol No. 80

April 24, 2008

CITY OF SAN JOSE

Initial Study

Douglas Place

Planned Development (PD) Prezoning (PDC07-089)
and
Annexation (Sunol No. 80)

April 24, 2008

CITY OF SAN JOSE

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

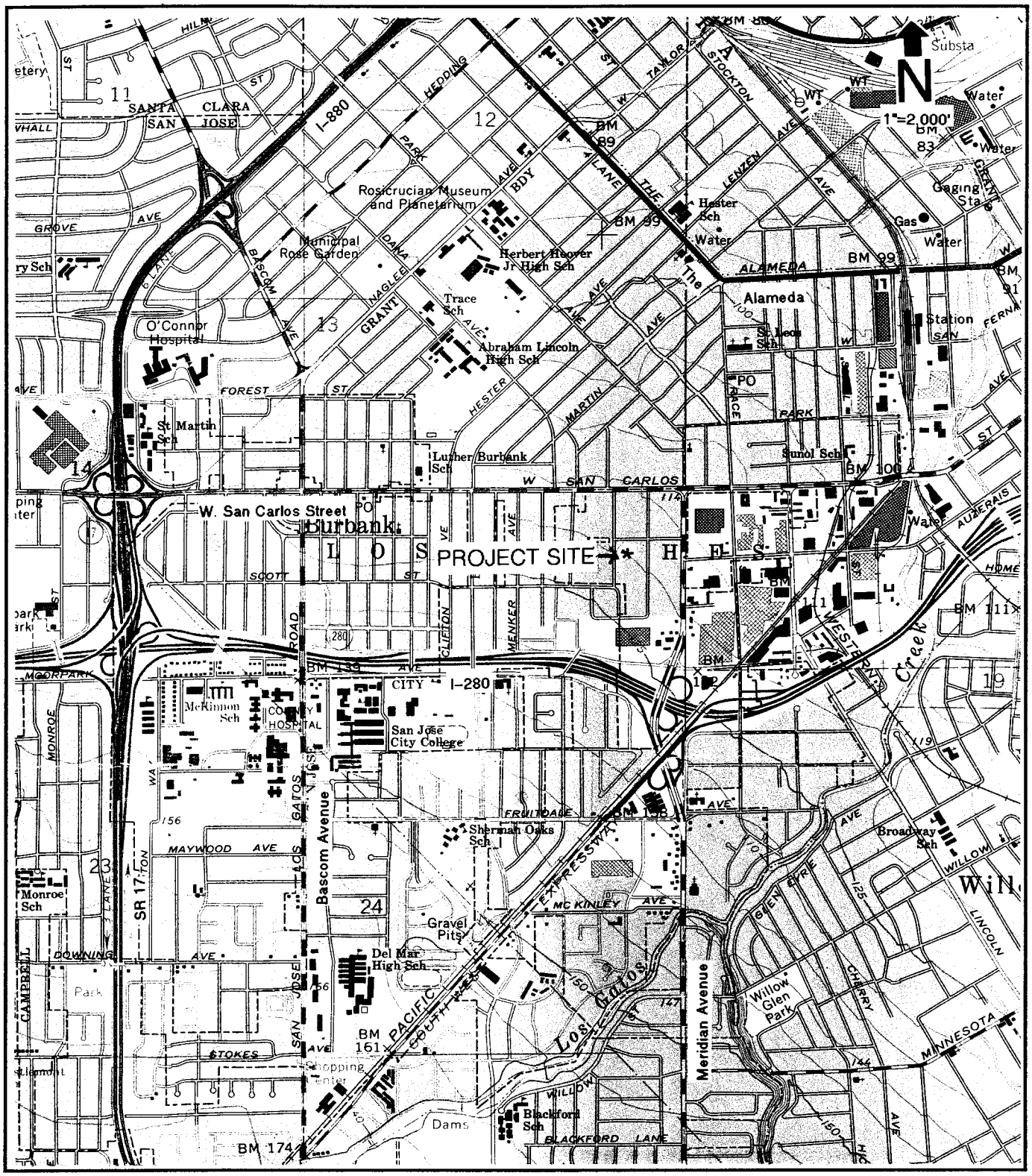
I. PROJECT DESCRIPTION

A. GENERAL INFORMATION

Lead Agency Contact:	Martina Davis City of San Jose Planning, Building and Code Enforcement 200 East Santa Clara Street, 3rd Floor San Jose, CA 95113 408-535-7828 martina.davis@sanjoseca.gov
Applicant:	Silicon Valley Development Services, Inc. 5369 Camden Avenue, Suite 260 San Jose, CA 95124 408-640-8102; (fax) 408-796-5472 Attn: Ken Fuller svdevservices@sbcglobal.net
Property Owner:	Basheer and Majida Salameh 5842 Tandera Avenue San Jose, CA 95123
Environmental Consultant:	Mindigo & Associates 1984 The Alameda San Jose, CA 95126 408-554-6531, (fax) 408-554-6577 rmindigo@aol.com
Name of Project:	**Douglas Place**
Location and Address:	Southerly side of Douglas Street, approximately 150 feet easterly of Willard Avenue (1480 Douglas Street)
Brief Description of Project:	A **Planned Development (PD) Prezoning** application for a 6-unit single family attached residential development on approximately 0.43 gross and net acre; and **Annexation** of the site to the City of San Jose
Assessor's Parcel Number(s):	277-19-012

Santa Clara Valley Map

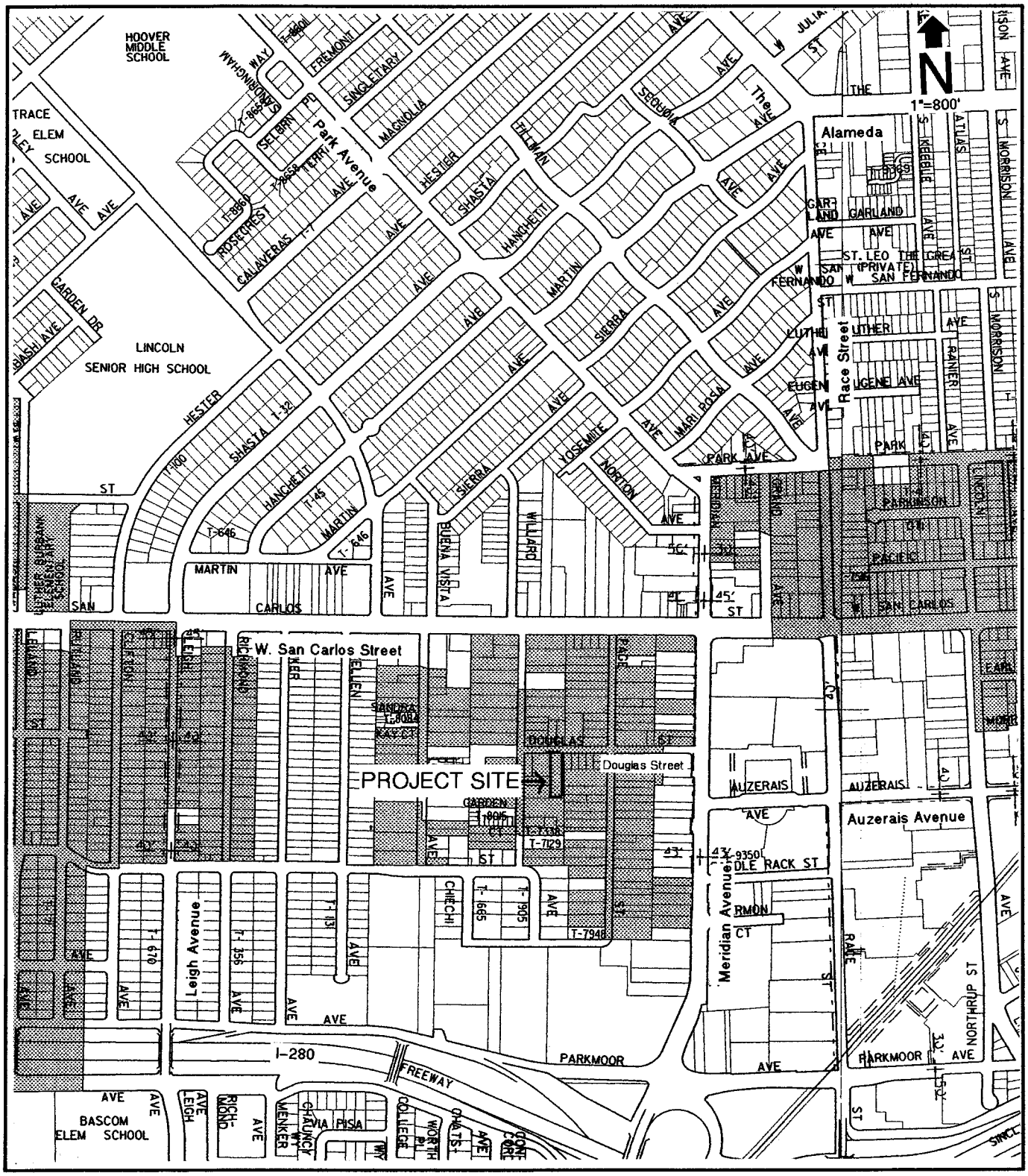
Figure 1



Source: San Jose West Quadrangle (1961, photorevised 1980)

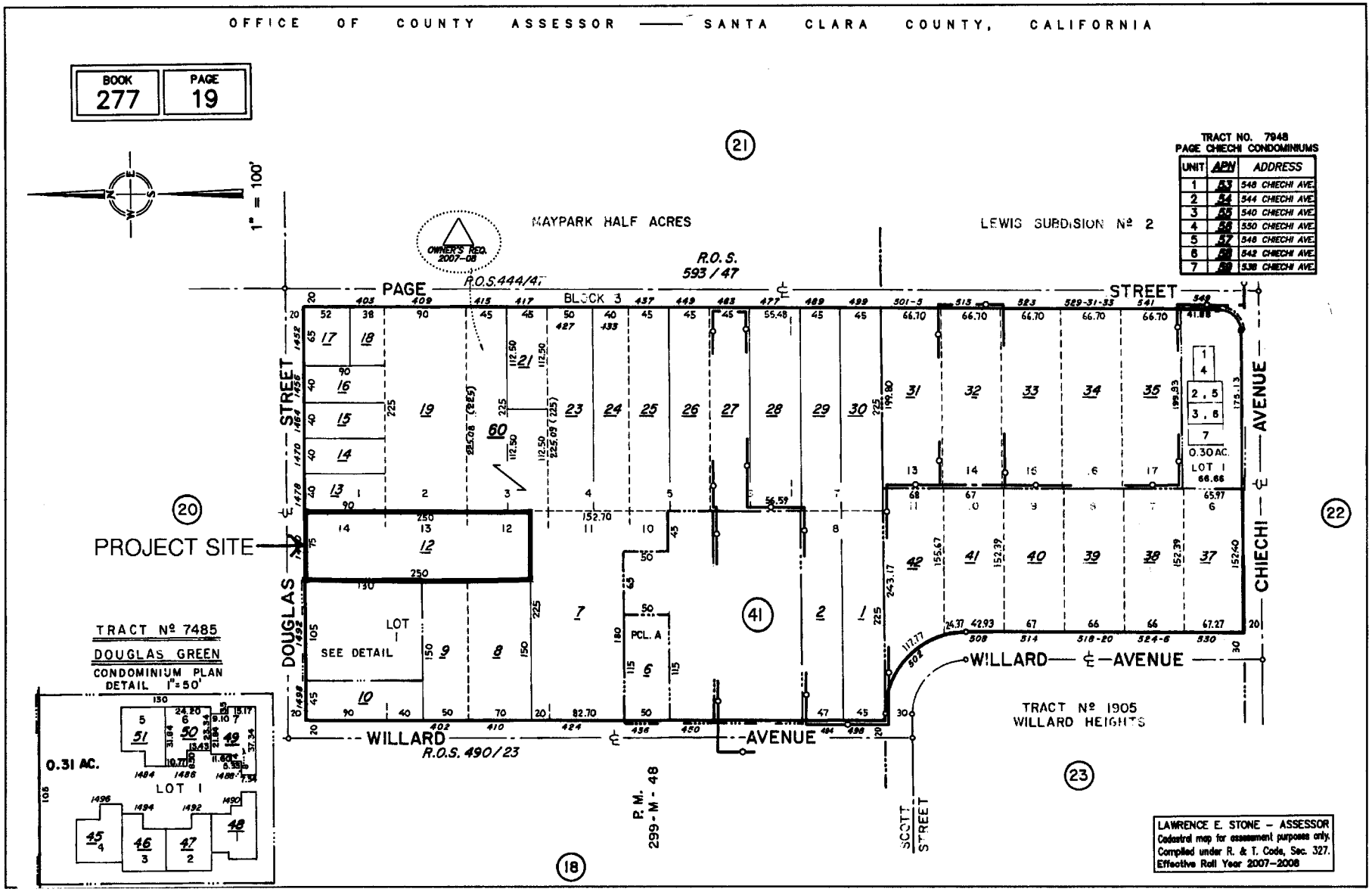
USGS Map

Figure 2



Vicinity Map

Figure 3



Assessor's Parcels

Figure 4

Aerial Photo of the Vicinity

May, 2006 Figure 5

Aerial Photo of the Site

May, 2006 Figure 6

Viewing southerly from Douglas Street.

Viewing southerly from the center of the property.

View of the Site

November 21, 2007 Figure 7

Viewing northerly from the center of the property.

Viewing westerly toward the westerly property line.

View of the Site

November 21, 2007 Figure 8

B. PROJECT OBJECTIVE

The objective of this project is to annex the project site to the City of San Jose; and to construct high quality, single family homes on the site, in accordance with the goals and policies of the City of San Jose.

C. DESCRIPTION

Annexation

The project site is currently within an unincorporated area under the jurisdiction of the County of Santa Clara. The project proposes to annex the site to, and develop the site within, the City of San Jose. The proposed annexation area is shown on the following exhibit.

Planned Development (PD) Prezoning

The project is a **Planned Development Prezoning** application for A(PD), Planned Development District, to allow the construction of up to 6 residential units and subsequent subdivision, located on the southerly side of Douglas Street, approximately 150 feet easterly of Willard Avenue (1480 Douglas Street). The project is a single family attached residential development located on a private street. The Conceptual Site Plan provides for 6 units. The Project Data table and reduced copies of the project plans follow, Figures 10 through 16. Full size copies are available for review at the City of San Jose Planning Division.

Unit Types

The homes are planned to be two story, wood frame structures with wood and stucco exteriors. Each unit has a private yard and balcony. There are 3 buildings with 2 units per building. There are six different unit plans, as follows:

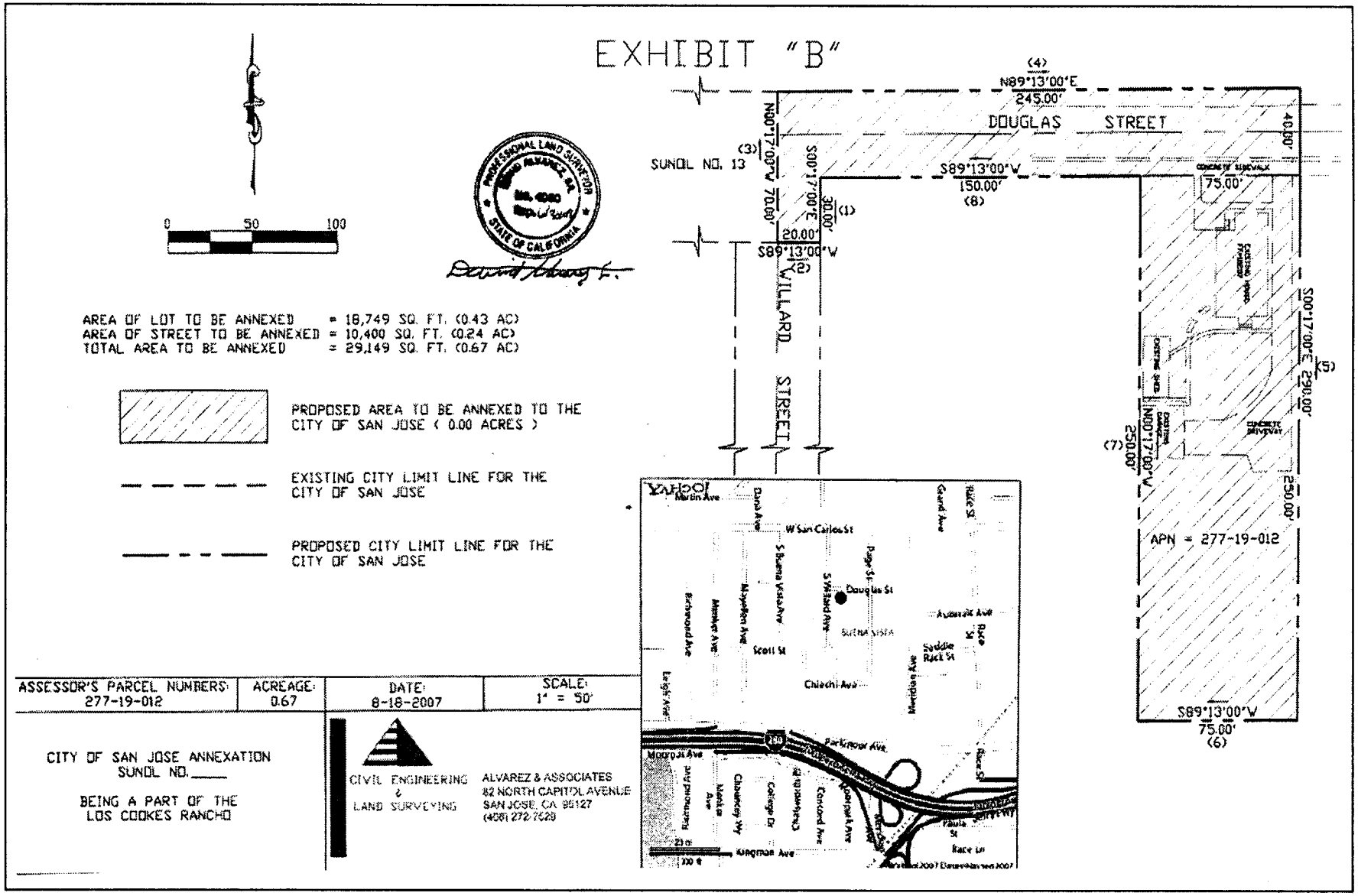
Plan	No. of Stories	No. of Bedrooms	No. of Baths	Square Footage
1	2	3	2.5	1,938
2	2	3	2.5	1,956
3	2	3	2.5	1,910
4	2	3	2.5	1,890
5	2	3	2.5	1,826
6	2	3	2.5	1,906

Landscaping

The landscaping proposed is shown in schematic form on the Conceptual Landscape Plan, Figure 16. Street trees, specimen trees, shrubs, lawn and groundcover are planned throughout the project. A decorative stamped concrete driveway is also to be provided.

Access

Access to the project is from Douglas Street. The internal project driveway is to be private. The private driveway is to be constructed of decorative stamped concrete on a rock base in accordance with City standards.



Proposed Annexation

Figure 9

Parking
Parking for the project is provided by a combination of covered and open spaces. Covered parking is provided in the ground level garages. Common and guest parking spaces are located throughout the project as shown on the Conceptual Site Plan, Figure 11. Parking spaces are listed in the Project Data table.

Exterior Lighting
There are existing electroliers along Douglas Street. Normal exterior household lighting is to be provided with the residences.

Utilities
All utilities required to serve the project, including sanitary sewer, wastewater treatment, water supply, storm drainage, natural gas, electricity and telephone, as further described in the following Utilities and Service Systems section, would be provided with the project. All of the utilities within the project are to be underground.

Demolition
The project proposes the demolition of all the onsite structures. A discussion of potential asbestos-containing materials (ACM) and/or lead based paint (LBP) hazards is included in the following Hazards and Hazardous Materials section.

Hazardous Materials
Hazardous materials other than those for normal household and yard use will not be used as a part of the operation of any of the establishments on the project site.

Grading
Grading planned for the project is shown on the following Conceptual Grading and Drainage Plan, Figure 14. The final lot and street grading for the project is to be designed to conform to the natural ground as closely as possible. The amount of grading planned is the minimum required to provide public streets that meet requirements for structural section and rate of grade, and to allow the construction of level building pads with positive drainage. In addition to the lot and street excavation, trenching is required for the underground utilities and sewer system. Approximately 700 to 1,000 cubic yards of material are estimated to be moved during the grading operations. The maximum finished cut or fill is estimated to be less than three feet, and no significant import or export of natural material is expected.

Water Quality Treatment
In accordance with the Santa Clara Valley Urban Runoff Pollution Prevention Program NPDES MS4 permit, the project includes grassy swales and disconnected roof drains.

Tree Removal
There are 12 existing trees onsite, 10 of which are currently planned to be removed, as further discussed in the following Biological Resources section.

Public Improvements
Public improvements planned with the project include the additional 8-foot dedication along Douglas Street.

Public Land Reservations
There are no public land reservations with this project.

Other Related Permits
In addition to the proposed **Planned Development (PD) Prezoning** and **Annexation**, other related permits to be obtained from the City of San Jose and the Local Agency Formation Commission (LAFCO) and other public agency approvals required for this project by other local, State or Federal agencies are as follows:

Agency	Permit / Approval
City of San Jose	PD Permit, Tentative Map, Final Map, Grading Permit, Building Permit(s)

Community Meeting
A community meeting to discuss the proposed project with neighbors was held on March 25, 2008. The following issues were covered: density, parking and aesthetics.

Table 1. Project Data

Category		Figure
Gross and Net Acreage		0.43
Number of Single Family Homes		
Three bedroom units		6
Total		6
Building Height *(feet)*		23
Estimated Population *		19
Estimated School Children		
K-5 *(0.133)*		1
6-8 *(0.71)*		1
9-12 *(0.62)*		1
Total		3
Estimated Wastewater *(gallons/day)*		1,100
Estimated Water Demand *(gallons/day)*		2,300
Estimated Solid Waste *(tons/year)*		5
Parking Spaces		
Garage		12
Open		9
Total		21
Coverage Factors	Acres	Percent
Homes & Garages	0.150	35
Private Open Space / Landscaping	0.136	32
Private Vehicular Area	0.144	33
Total	0.430	100
Impervious Areas	Square Feet	Percent
Existing	4,570	25.2
Project	12,670	69.8
Density *(units/gross and net acre)*		6 / 0.43 = 13.9
Start/Completion Dates		Summer, 2008 / Summer, 2009

* Based on 2000 Census average of 3.06 persons per SFA dwelling unit.

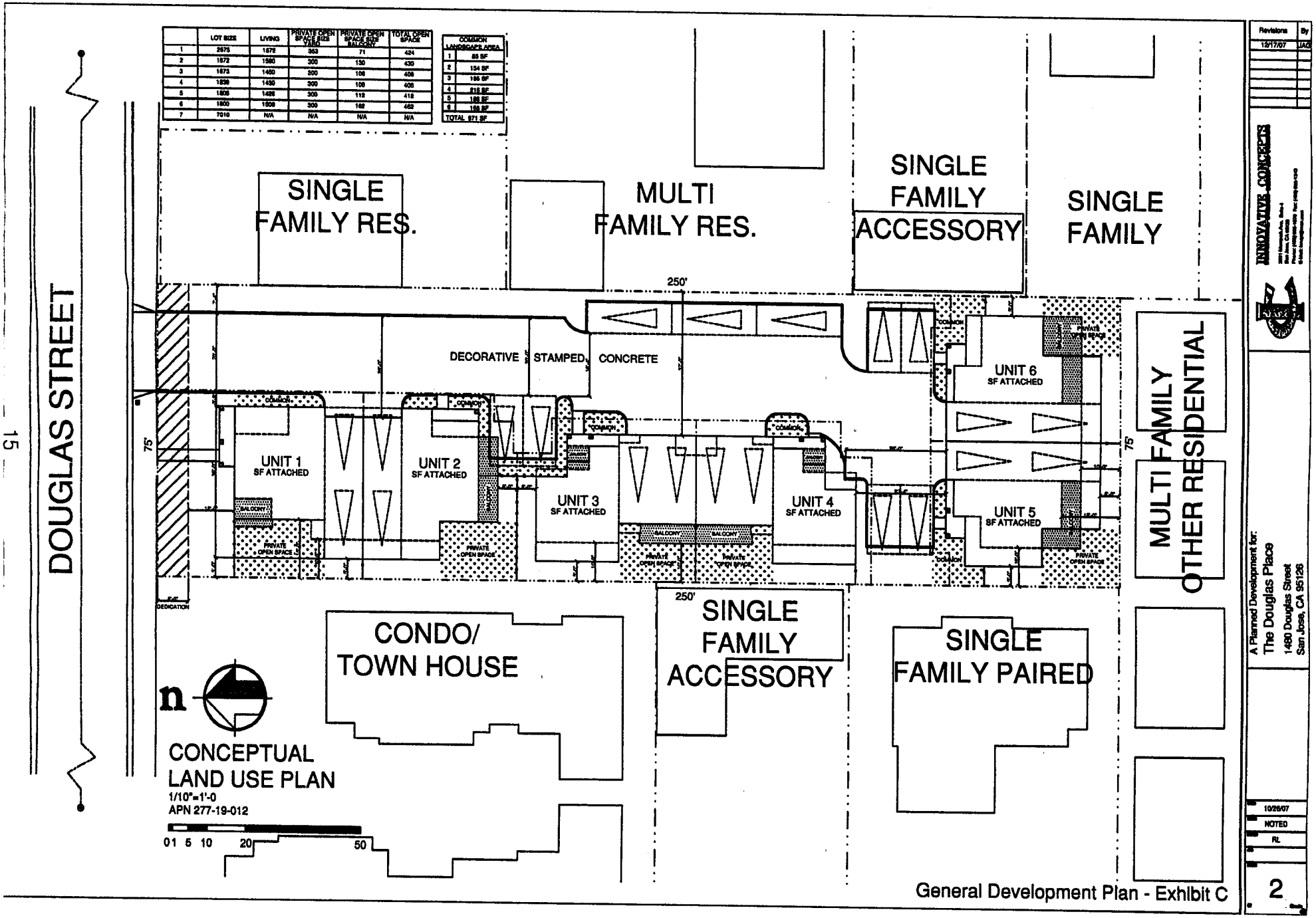
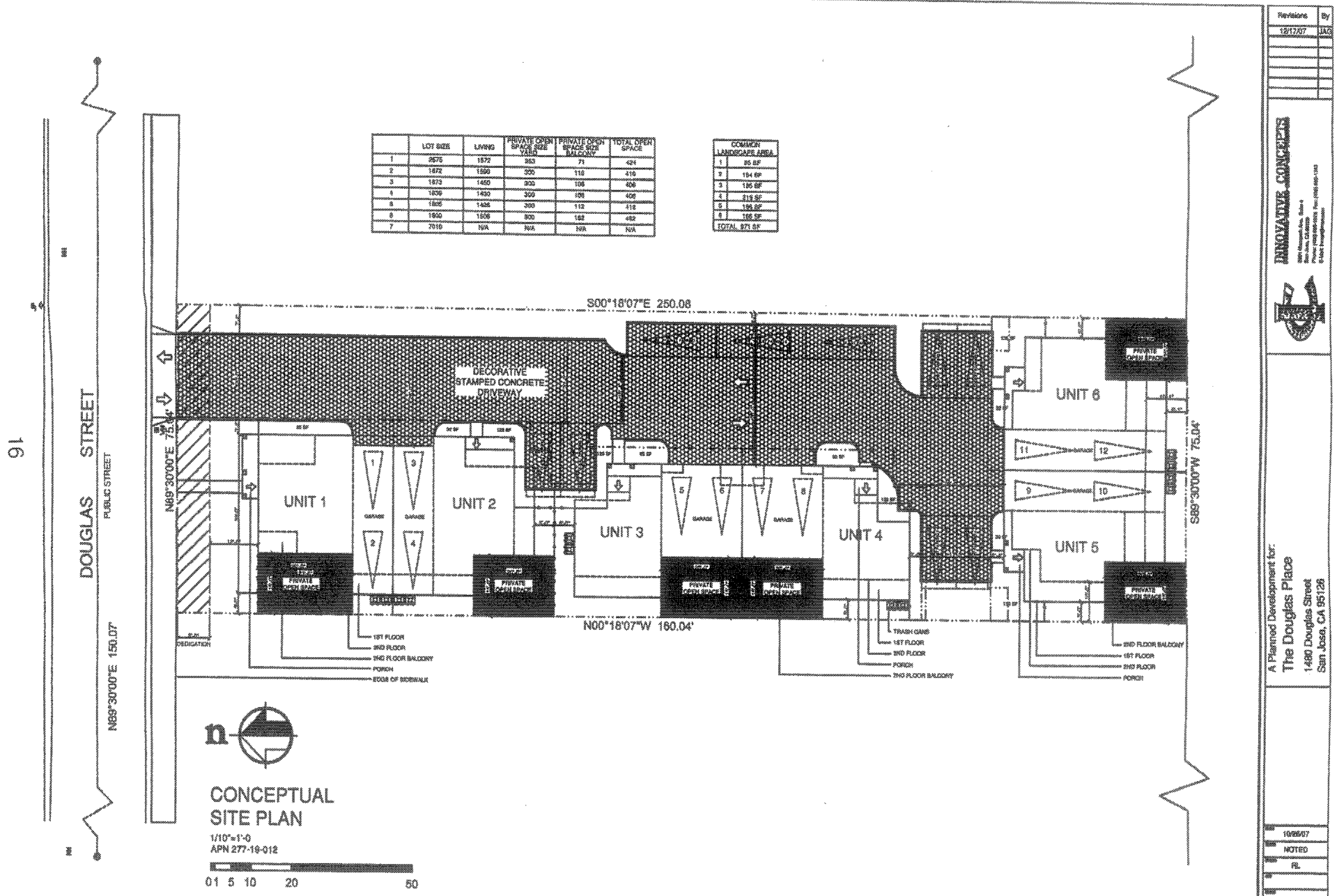

DOUGLAS STREET
SINGLE FAMILY RES.
MULTI FAMILY RES.
SINGLE FAMILY ACCESSORY
SINGLE FAMILY
250'
DECORATIVE STAMPED CONCRETE
UNIT 1 SF ATTACHED
UNIT 2 SF ATTACHED
UNIT 3 SF ATTACHED
UNIT 4 SF ATTACHED
UNIT 5 SF ATTACHED
UNIT 6 SF ATTACHED
MULTI FAMILY OTHER RESIDENTIAL
75'
CONDO/ TOWN HOUSE
SINGLE FAMILY ACCESSORY
SINGLE FAMILY PAIRED
CONCEPTUAL LAND USE PLAN
1/10"=1'-0
APN 277-19-012
01 5 10 20 50
General Development Plan - Exhibit C
A Planned Development for:
The Douglas Place
1490 Douglas Street
San Jose, CA 95126
INNOVATIVE CONCEPTS
Revisions
12/17/07
10/26/07
NOTED
RL
2

Figure 10



	LOT SIZE	LIVING	PRIVATE OPEN SPACE SIDE YARD	PRIVATE OPEN SPACE SIDE BALCONY	TOTAL OPEN SPACE
1	2675	1572	353	71	424
2	1872	1556	300	116	416
3	1873	1460	300	108	408
4	1809	1430	300	106	406
5	1805	1485	300	113	413
6	1990	1508	300	162	462
7	7019	N/A	N/A	N/A	N/A

	COMMON LANDSCAPE AREA
1	85 SF
2	194 SF
3	135 SF
4	215 SF
5	135 SF
6	135 SF
TOTAL	871 SF

Revisions	BY
12/12/07	JAG

INNOVATIVE CONCEPTS

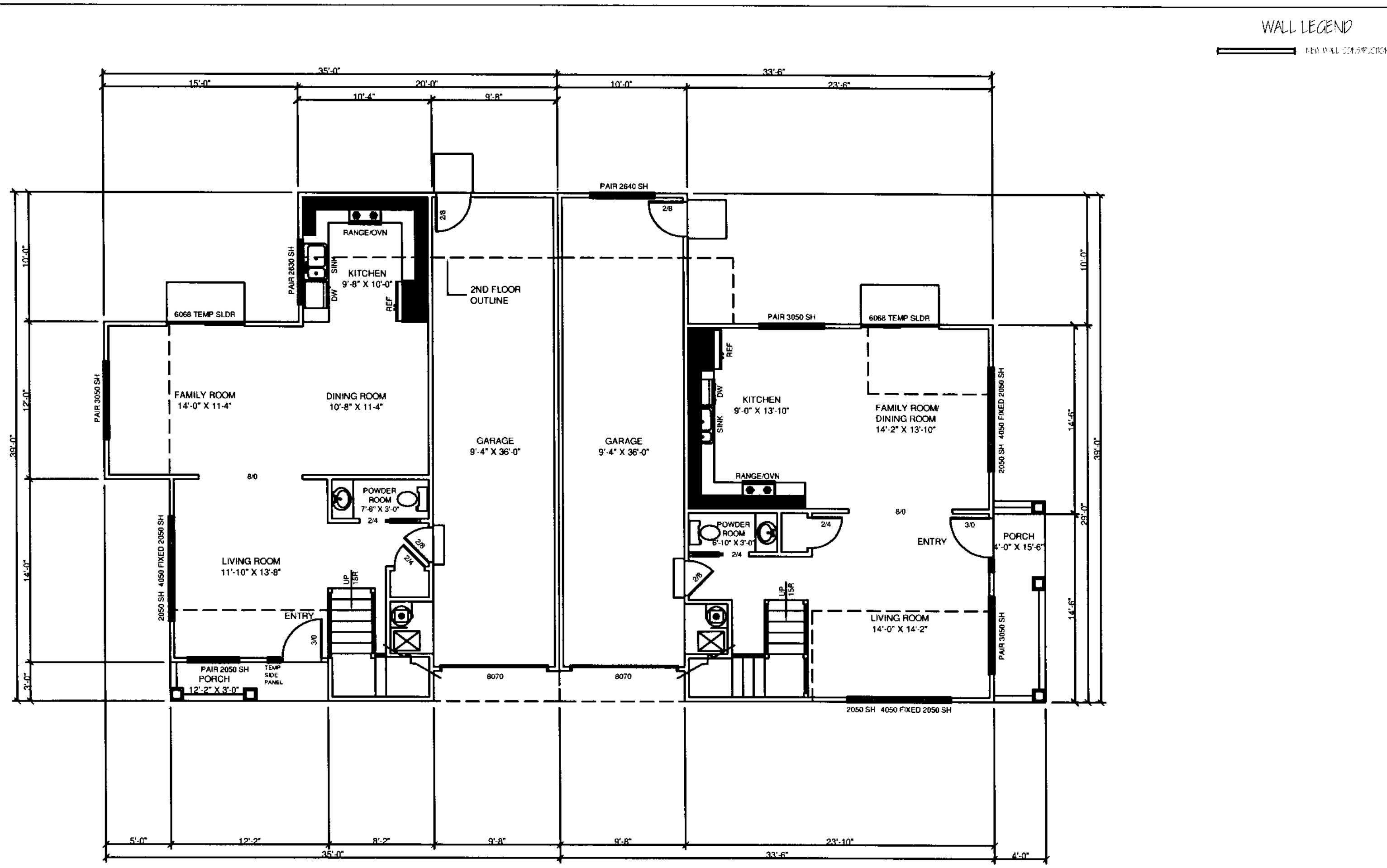
A Planned Development for:
The Douglas Place
1490 Douglas Street
San Jose, CA 95126

10/26/07
NOTED
PL

3

General Development Plan - Exhibit C

Figure 11



UNIT 2

UNIT 1

1ST FLOOR PLAN

1/4" = 1'-0"

n

0 1 5 10 20 30

General Development Plan - Exhibit C

Revisions	By
01/11/08	JAG

INNOVATIVE CONCEPTS

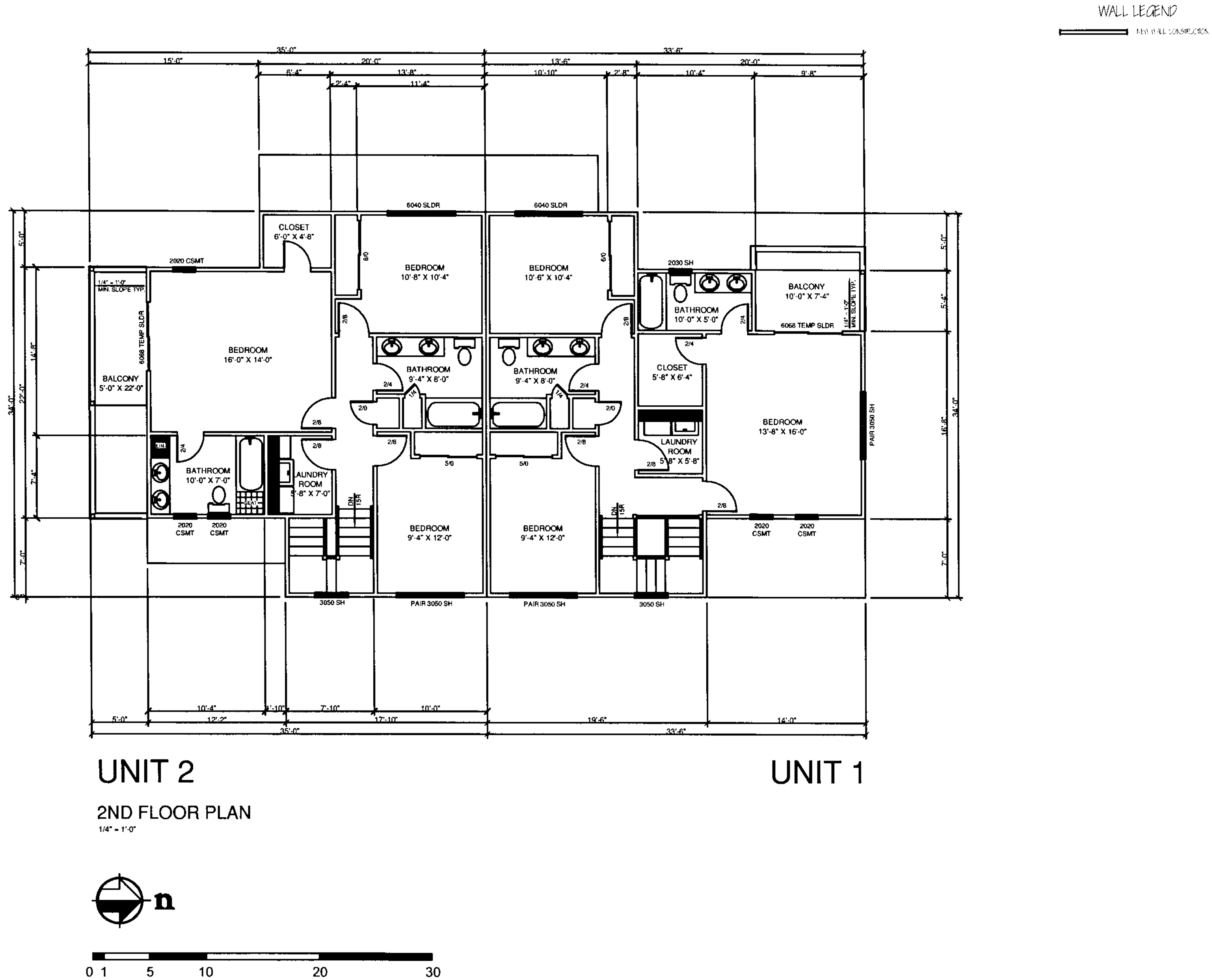
A Planned Development for:
The Douglas Place
1480 Douglas Street
San Jose, CA 95126

UNIT 1 & 2

10/26/07
NOTED
RL

6

Figure 12



General Development Plan - Exhibit C

Revisions	By
01/11/08	JAG

INNOVATIVE CONCEPTS

A Planned Development for:
The Douglas Place
1480 Douglas Street
San Jose, CA 95126

UNIT 1 & 2

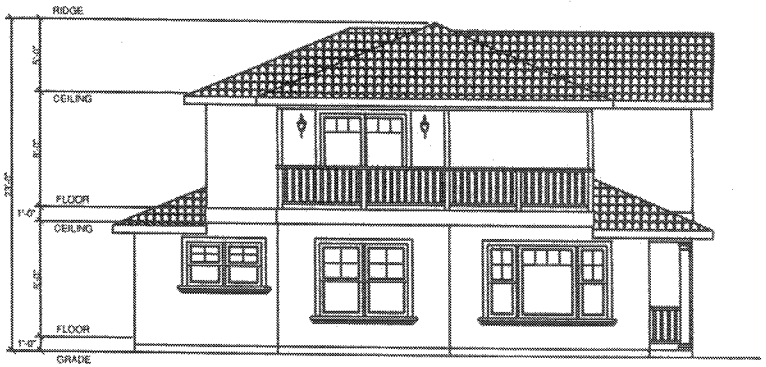
10/26/07
NOTED
RL

7

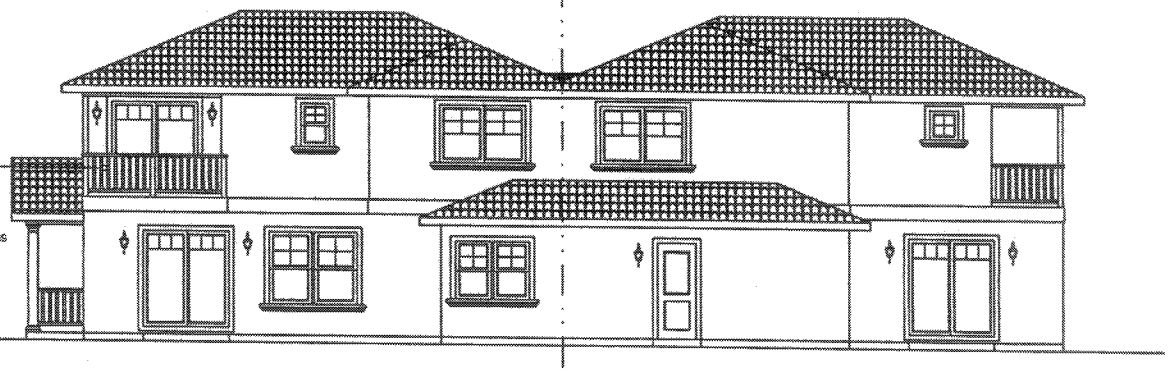
Figure 13

EAST ELEVATION
1/4" = 1'-0"

NORTH ELEVATION
1/4" = 1'-0"



SOUTH ELEVATION
1/4" = 1'-0"



WEST ELEVATION
1/4" = 1'-0"

General Development Plan - Exhibit C

Revisions	By
01/11/08	JAC

INNOVATIVE CONCEPTS

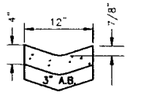
A Planned Development for:
The Douglas Place
1480 Douglas Street
San Jose, CA 95126

UNIT 1 & 2

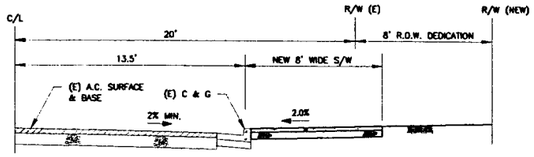
10/26/07
NOTED
RL

5

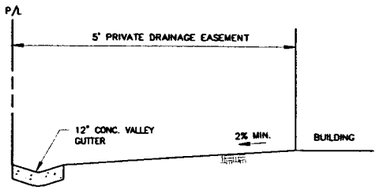
Figure 14



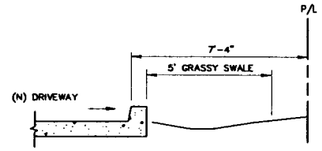
CONC. VALLEY GUTTER
NTS



TYPICAL HALF STREET SECTION (DOUGLAS STREET)
NTS



SECTION A-A
NTS



SECTION B-B
NTS

LEGEND

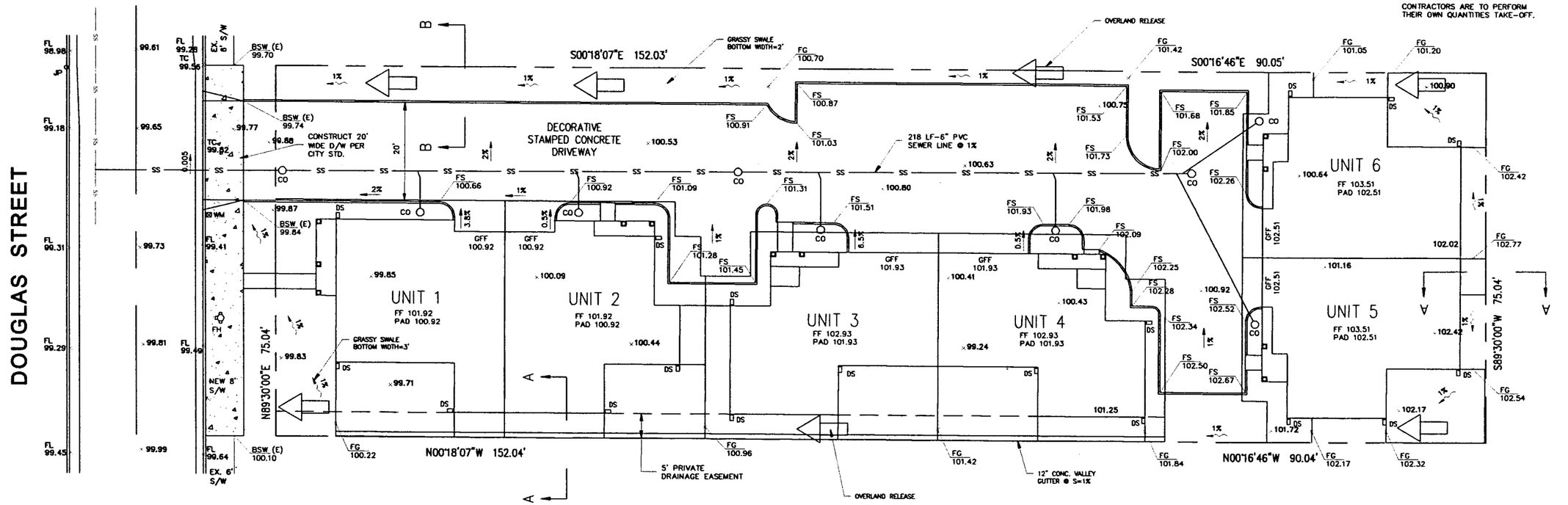
- SS — SANITARY SEWER LINE
- SD — STORM DRAIN LINE
- W — WATER LINE
- STREET LIGHT
- PG&E — PG & E VAULT
- WV — WATER VALVE
- SSCO — SANITARY SEWER CLEAN-OUT
- FLOW DIRECTION
- DS — DOWNSPOUT WITH SPLASH-BLOCK
- OVERLAND RELEASE

1" = 10'

EARTHWORK

CUT (CY)	FILL (CY)
25	25

CONTRACTORS ARE TO PERFORM THEIR OWN QUANTITIES TAKE-OFF.



GENERAL NOTE:

1. THE ORGANIC MATERIAL COVERING THE SITE SHALL BE STOCKPILED. THE STRIPPING SHALL BE USED TO BACKFILL ALL LANDSCAPE PLANTERS AND ROUGH GRADE MOUND AREAS, AS SHOWN ON LANDSCAPE DRAWING IF ANY, TO WITHIN 6" OF GRADE SHOWN. EXCESS STRIPPING AND EXCAVATED MATERIAL SHALL BE REMOVED FROM THE SITE BY THE GRADING CONTRACTOR.

2. ALL GRADING AND EARTHWORK SHALL BE IN ACCORDANCE WITH THE SOIL REPORT FOR THIS PROPERTY IF ANY; SECTION 19, STANDARD SPECIFICATION, STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION; AND SANTA CLARA COUNTY. IT IS THE REQUIREMENT OF THIS PROJECT THAT THE SOIL ENGINEER BE PRESENT AT THE CONSTRUCTION SITE DURING THE ENTIRE GRADING OPERATION.

3. COMPACTION TO BE DETERMINED USING ASTM CURRENT EDITION AND THE GEOTECHNICAL REPORT.

4. ALL WORK FOR STORM INSTALLATION SHALL BEGIN AT THE DOWNSTREAM CONNECTION POINT. THIS WILL ALLOW FOR ANY NECESSARY ADJUSTMENTS TO BE MADE PRIOR TO THE INSTALLATION OF THE ENTIRE LINE. IF THE CONTRACTOR FAILS TO BEGIN AT THE DOWNSTREAM CONNECTION POINT AND WORK UPSTREAM, HE/SHE SHALL PROCEED AT HIS/HER OWN RISK AND BE RESPONSIBLE FOR ANY ADJUSTMENTS NECESSARY.

5. CONTRACTOR SHALL UNCOVER AND EXPOSE ALL EXISTING UTILITIES AND SEWER LINES WHERE THEY ARE TO BE CROSSED ABOVE OR BELOW BY THE NEW FACILITY BEING CONSTRUCTED IN ORDER TO VERIFY THE GRADE AND TO ASSURE THAT THERE IS SUFFICIENT CLEARANCE. PIPES SHALL NOT BE STRUNG NOR TRENCHING COMMENCED UNTIL ALL CROSSING HAVE BEEN VERIFIED FOR CLEARANCE. IF THE CONTRACTOR FAILS TO FOLLOW THIS PROCEDURE, HE/SHE WILL BE SOLELY RESPONSIBLE FOR ANY EXTRA WORK OR MATERIAL REQUIRED IF MODIFICATION TO THE DESIGN ARE NECESSARY CONTRACTOR SHALL NOTIFY ALL PUBLIC AND PRIVATE UTILITY OWNERS 48 HOURS PRIOR TO COMMENCEMENT OF WORK ADJACENT TO THE UTILITY. CONTACT UNDERGROUND SERVICES ALERT(USA) AT (800)642-2444.

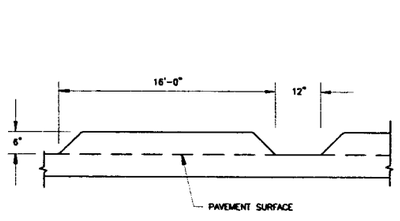
6. THE PERMITTEE MUST MAINTAIN THE STREETS, SIDEWALKS AND OTHER PUBLIC RIGHT OF WAY IN A CLEAN, SAFE AND USABLE CONDITION. ANY SPILLS OF SOIL, ROCK OR CONSTRUCTION DEBRIS MUST BE REMOVED FROM THE PUBLICLY OWNED PROPERTY DURING CONSTRUCTION AND UPON COMPLETION OF THIS PROJECT.

7. THE CONTRACTOR SHALL VERIFY THE CONTENTS AND THICKNESS OF THE BUILDING SLAB SECTION (I.E. CONCRETE, SAND, ROCK) WITH THE STRUCTURAL PLAN AND THE ELEVATIONS SHOWN HEREON PRIOR TO COMMENCEMENT OF GRADING OPERATION.

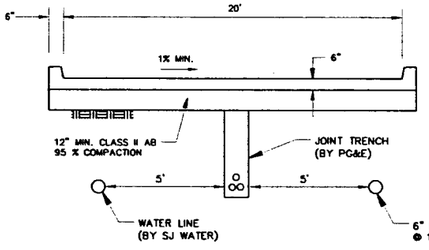
8. CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERAL ACCEPTED CONSTRUCTION PRACTICES, CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITION DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THE CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN ACCORDANCE WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.

9. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO GENERAL AND SPECIFIC PROVISIONS, STANDARD DRAWINGS, AND REQUIREMENT OF THE CITY AND COUNTY.

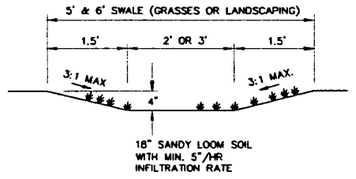
10. CONTRACTOR SHALL PROVIDE ADEQUATE DUST CONTROL AT ALL TIME. COMPLIANCE WITH THE APPLICABLE SECTION OF CALIFORNIA AND FEDERAL O.S.H.A. REQUIREMENTS AND OTHER APPLICABLE SAFETY ORDINANCES. CONTRACTOR SHALL BEAR FULL RESPONSIBILITY FOR TRENCHING SHORING DESIGN AND INSTALLATION.



CURB OPENING
NTS



DRIVEWAY SECTION
NTS



GRASSY SWALE
NTS

NO.	REVISION	DATE	BY
△			
△			
△			
△			
△			

DATE: 1/30/08

ALVAREZ & ASSOCIATES
82 NORTH CAPITOL AVENUE
SAN JOSE, CA 95127
(408) 272-7529

1480 DOUGLAS STREET
SAN JOSE, CA

GRADING & DRAINAGE PLAN

DATE: JULY 10, 2007
SCALE: AS NOTED
DESIGNED BY: RW
DRAWN BY: RW
SHEET 1 OF 1

Figure 15

TABLE 1: PERVIOUS AREA

"C"	SURFACE	POTENTIAL POLLUTANT	TREATMENT DEVICE	TRAETMENT CAPACITY
0.1	LANDSCAPE/SOIL	PESTICIDE & HERBICIDES	LANDSCAPING	SELF CONTAINING

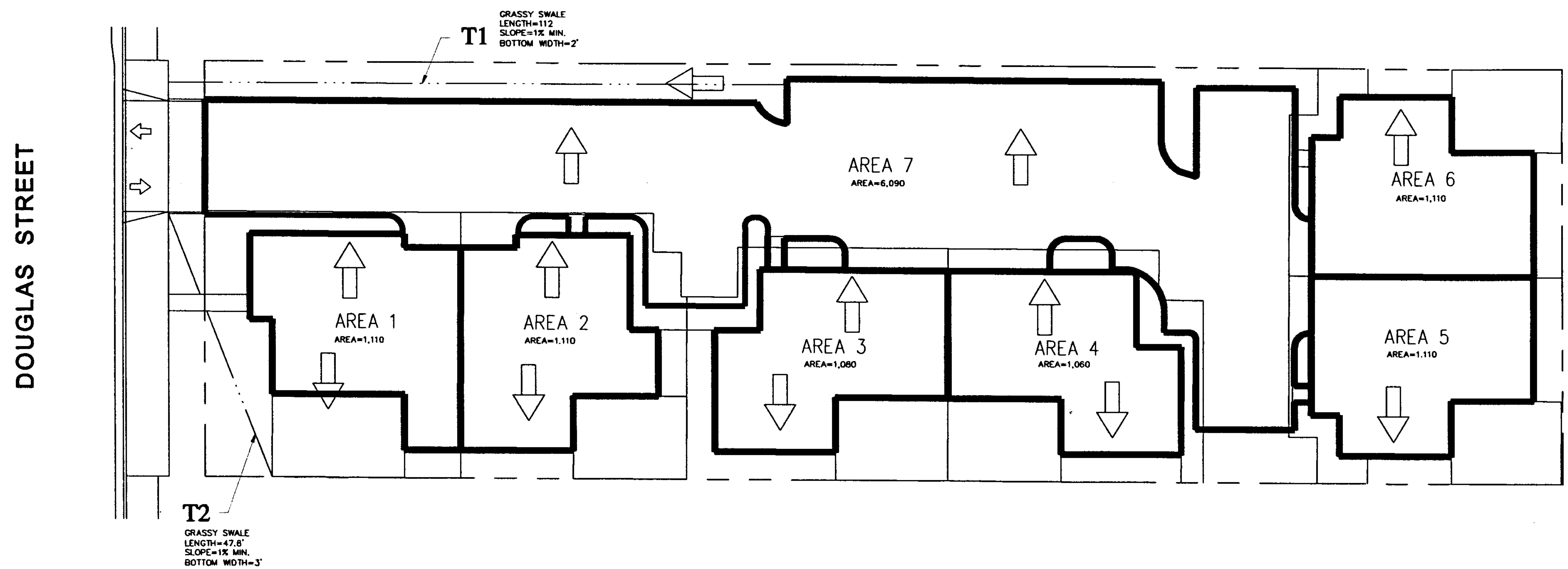
TABLE 2: IMPERVIOUS AREA

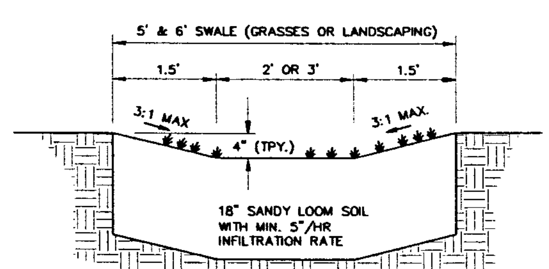
AREA	SURFACE	SIZE (SF)	POTENTIAL POLLUTANT
A1	ROOF	1,110	DUST
A2	ROOF	1,110	DUST
A3	ROOF	1,080	DUST
A4	ROOF	1,060	DUST
A5	ROOF	1,110	DUST
A6	ROOF	1,110	DUST
A7	DRIVEWAY	6.090	DUST & OIL

TABLE 3: TREATMENT DEVICE

ID #	TREATMENT DEVICE	MIN. SURFACE AREA REQ'D	AREA PROVIDED
T1	SWALE	70.5'	112'
T2	SWALE	45'	47.8'

1" = 10'





NOTE:
REFER TO LANDSCAPE PLAN FOR PLANTING MATERIALS

(1) **GRASSY SWALE**
NOT TO SCALE

NO.	REVISION	DATE	BY

RW
RW ENGINEERING
888 ALTAMONT DRIVE
MILPITAS, CA 95035
(408) 262-1880

REGISTERED PROFESSIONAL ENGINEER
ROBERT Y. WANG
50541
Expires: 06-30-09
CIVIL
STATE OF CALIFORNIA

DATE: 1-30-08

1480 DOUGLAS STREET
SAN JOSE, CA

STORMWATER CONTROL PLAN
DRAINAGE AREA

SCALE: AS NOTED
DESIGNED BY: RW
DRAWN BY: RW
SHEET
2 OF 2

Figure 16

I. PROJECT SETTING:

A. Project Description
The proposed new work is within an existing residential site of approximately 0.42 acres. The new work will alter (disturbed area) the entire site. The proposed work will consist of the bulleted items below. The Grading Plan is included showing the proposed grades and the drainage areas proposed for the site:

- Six (6) residential units. The total size of the structure based on roof line limits is approximately 6,580 square feet.
- Approximately 5,490 square feet of landscaping consist of lawn and grassy swale.
- Approximately 6,090 square feet of paving.

B. Existing Site Condition
The site is located on Douglas Street between Page Street and Willard Avenue. Currently, there is an existing wooden house on the project site. There are no existing hydrologic features on site.

Site topography is generally flat, with a mild slope (approximately 2.5 feet across the length of the site). Subsurface soil consists of sandy to silty clay. Groundwater is approximately 15' below ground.

The site does not have direct connection to City storm drainage system. Stormwater from the site drains to City storm system via concrete gutter. The site is within the tributary area of Lsos Gatos Creek.

The site is not located within the Special Flood Hazard Area as mapped on the Flood Insurance Rate Map by Federal Emergency Management Agency.

C. Drainage Areas
Grading & Drainage Plan shows the existing topography and proposed drainage areas. Stormwater Control Plan show each impervious area and treatment facility.

II. SELECTION AND DESIGN OF STORMWATER TREATMENT BMPS

- The proposed building is wrapped by landscaping.
- Grassy swale on the easterly area adjacent to driveway.
- Additional landscaping area throughout the site

II.A. General Characteristics of the Treatment Facilities
The facilities will be designed and constructed in accordance with the illustrations and specifications in the California Best Management Practice Handbook, including 18" depth of sandy loam (minimum infiltration rate specified to be 5" per hour. All drainage into and away from facilities is by gravity, eliminating the need to collect and pump stormwater and avoiding the need for vaults.

II.B. Specific Characteristics of Each Impervious Area and Treatment Facilities
Impervious areas and treatment facilities are identified and shown on the Exhibit. The area of each are listed in Tables.

II.B.1. Roof (A1 to A6)
Drainage area A1 to A6 are building roofs. Stormwater from A1 and A6 are conveyed to treatment swale by rain leader. The treatment swale will be designed and constructed in accordance with the detail shown.

II.B.2. Concrete Pavement (A7)
Drainage area A7 is paved parking lot and concrete driveway. Stormwater from this area travels by sheetflow to treatment swale.

III. PERVIOUS/IMPERVIOUS SURFACES COMPARISON

	EXISTING CONDITION (SF)	%	PROPOSED CONDITION (SF)	%	DIFFERENCE (SF)	%
Site (Acres): 0.417	Site (SF): 18,160					
Building Footprint	1,920	10.6	6,580	36.2	4,660	70.8
Parking	2,400	13.2	6,090	33.5	3,690	60.6
Sidewalk/Patio/Path	250	1.4	0	0	−250	−100
Landscaping	13,590	74.8	5,490	30.2	−8,100	−59.6
Total	18,160	100	18,160	100		
Impervious Surfaces	4,570	25.2	12,670	69.8	8,100	63.9
Pervious Surface	13,590	74.8	5,490	30.2	−8,100	−59.6
Total	18,160		18,160			

IV. BMP SIZING:

A. Grassy Swale

Rainfall intensity = 0.2" in per hour
Residence Time = 7 minutes
A1 Flow = Q = CIA = (0.95)(0.2)[(6,090+1,100+4,340/2)/43,560] = 0.041 cfs

Slope (S) = 1% n = 0.2 Side Slope = 3:1 Flow Depth = 4" b = 2'

$Q = 1.49 \times A \times R^{2/3} S^{0.5}/n$; depth = 0.11 ft or 1.32 inch

Velocity = V = Q/A = $0.041/(2 \times 0.11 + 3 \times 0.11^2)$ = 0.16 fps < 1.5 fps (OK)
L = V (residence time) = 0.16(7x60) = 67 ft

A2 Flow = CIA = (0.95)(0.2)[(1,100+4,340/2)/43,560] = 0.014 cfs
d = 0.049' or 0.59 inches
V = Q/A = $0.014/(3 \times 0.049 + 3 \times 0.049^2)$ = 0.11 fps < 1.5 fps (OK)
L = V (residence time) = 0.11(7x60) = 45 ft

V. SOURCE CONTROL MESURES:

The following activities planned for this development have potential to allow pollutants to enter runoff:

- Refuse disposal for the retail building.
- Landscape maintenance.
- Maintenance and washing of cars (prohibited on site)

All area where these activities occur will drain to stormwater treatment facilities. To further reduce the potential for pollutants to enter runoff, permanent and operational BMPs will be implemented as described in Table below:

POTENTIAL SOURCE	PERMANENT BMPs	OPERATIONAL BMPs
On-site drain inlets	The drainage design eliminates on-site inlets, except for overflows in stormwater treatment BMPs. Inlet that could accessed from sidewalks and driveways will be marked with "NO DUMPING-DRAINS TO CREEK"	Inlet marking will be inspected annually and replaced or renewed as needed Commercial tenant leases will include a clause stating "Tenant shall not allow anyone to discharge anything to storm drains or to store or deposit material so as to create a potential discharge to storm drains. Commercial lessees will receive stormwater pollution prevention information from SCVWD. Swales and related structures and features will be inspected and maintained as specified in the Stormwater Control Operation and Maintenance Plan (to be developed and submitted for approval)
Interior drains	All such drains shall be plumbed to the sanitary sewer	Drains will be periodically inspected to avoid blockage and overflow.
Landscape/outdoor pesticide use	Landscape will be designed to minimize required irrigation and runoff, to promote surface infiltration, and to minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Planting for swales will be selected to be appropriate to anticipated soil and moisture conditions. Where possible, pest resistant plants will be selected, especially for locations adjacent to hardscape.	Commercial lessees will receive integrated pest management information from SCVWD. All site landscape is to be maintained by a professional landscaping contractor. Contractor to state that landscaping is to be maintained using integrated Pest Management (IPM) principles, with minimal or no use of pesticides.
Refuse areas	Refuse outside the retail building and restaurant to be prevente run-on to the area and bermed to prevent runoff from the area. Drain from refuse area outside retail building connected to the sanitary sewer. Drain from restaurant refuse area connected to a grease interceptor and thence to the sanitary sewer. All dumpster will be marked with "DO NOT DUMP HAZADOUS MATERIALS HERE"	Adequate litter receptacles will be provided outside the retail areas. Groundkeeper crew or contractor will inspect and clean up daily. Spills will be cleaned up using dry methods.
Outdoor storage of equipment or materials	Restaurant and retail area drain to viable swales, planters, and landscaped area, reducing the potential for spills to enter storm drains	Leases will prohibit storage or display of materials outside.
Vehicle and equipment cleaning	All paved areas drains to swales rather than directly to storm drains. Hose bibs will have automatic shutoff or will be required keys to operate.	Leases will prohibit maintenance, repair, or cleaning of vehicles or other equipment on site.
Fire sprinklers	Sprinkler test and system drain water shall not discharge into the storm drain. Provisions to direct water to the sanitary sewer or landscape or other approved means shall be provided. Sprinkler system design shall include the proposed method for drainage of sprinkler system discharge.	
Miscellaneous drain or wash water	Condensate drain lines will discharge to the sanitary system or to landscape area. Rooftop mounted equipment will be roofed or covered to prevent pollutants from entering runoff. Roofing, gutters, and trim shall not be copper or other unprotected metal that could leach into runoff.	Drainage sumps shall be cleaned of accumulated litter, debris, and sediment, and material properly disposed.
Patio and walkway	Plaza area drain to swales and planter and not directly to storm drains.	Plaza, seidewalks, parking lots, and common areas shall be swept regularly to prevent accumulation of litter and debris. Debris from pressure washing shall be collected and not allowed to enter the storm drain system. Washwater containing any cleaning agent or degreaser shall be collected and discharged to the sanitary sewer and not discharged to a storm drain.

VI. BMP OPERATION AND MAINTENANCE:

VI.A MEANS TO FINANCE AND IMPLEMENT BMP MAINTENANCE:

Proper operation and maintenance of Stormwater Management Facilities will be the responsibility of the Property Owners (Homeowner's Association) in perpetuity.

The Applicant will prepare and submit, for the City's review, an acceptable Stormwater Control Operation and Maintenance Agreement before sale, transfer, or permanent occupancy of the site. The applicant accepts responsibility for maintenance of stormwater management facilities until such responsibility is transferred to another entity.

VI.B SUMMARY OF MAINTENANCE REQUIREMENTS:

Swales and stormwater planters remove pollutant primarily by filtering runoff slowly through an active layer of soil. Routing maintenance is needed to insure that flow is unobstructed, that erosion is prevented, and that soils are held together by plant roots and are biologically active. Typical routing maintenance consists of the following:

- Inspect channels, exposure of soils, or other evidence of erosion. Clear and obstructions and remove any accumulation of sediment. Examine rock or other material used as a splash pad and replenish if necessary.
- Inspect inlets for signs of sediment build up or plugging.
- Inspect side slopes for evidence of instability or erosion and correct as necessary.
- Observe soil in the swale or planter for uniform percolation throughout. If portions of the swale of filter do not drain within 48 hours after the end of a storm, the soil should be tilled and replanted. Remove any debris or accumulations of sediment.
- Examine the vegetation to insure that it is healthy and dense enough to provide filtering and to protect soils from erosion. Replenish mulch as necessary, remove fallen leaves and debris, prune large shrubs or trees and mow turf areas. Confirm that irrigation is adequate and excessive. Replace dead plants and remove invasive vegetation.
- Abate any potential vectors by filling holes in the ground in and around the swale and by insuring that there are no areas where water stands longer than 48 hours following a storm. If mosquito larvae are present and persistent, contact the Santa Clara Valley Water District for information and advise. Mosquito larvicides should be applied only when absolutely necessary and then only by a licensed individual or contractor.
- See appendix for BMP maintenance

VII. CERTIFICATION:

I certify that the selection, sizing, and design of treatment BMPs and other control measures in this plan meet the requirements of Regional Water Quality Control Board Order 01-119, as amended.

Robert Wong

REGISTERED PROFESSIONAL ENGINEER
ROBERT Y. WANG
50541
Expires: 06-30-09
CIVIL
STATE OF CALIFORNIA

DATE: 1-30-08

NO.	REVISION	DATE	BY

RW

1480 DOUGLAS STREET
SAN JOSE, CA

STORMWATER
CONTROL PLAN
PROJECT INFORMATION

SCALE: AS NOTED
DESIGNED BY: RW
DRAWN BY: RW
SHEET
1 OF 2

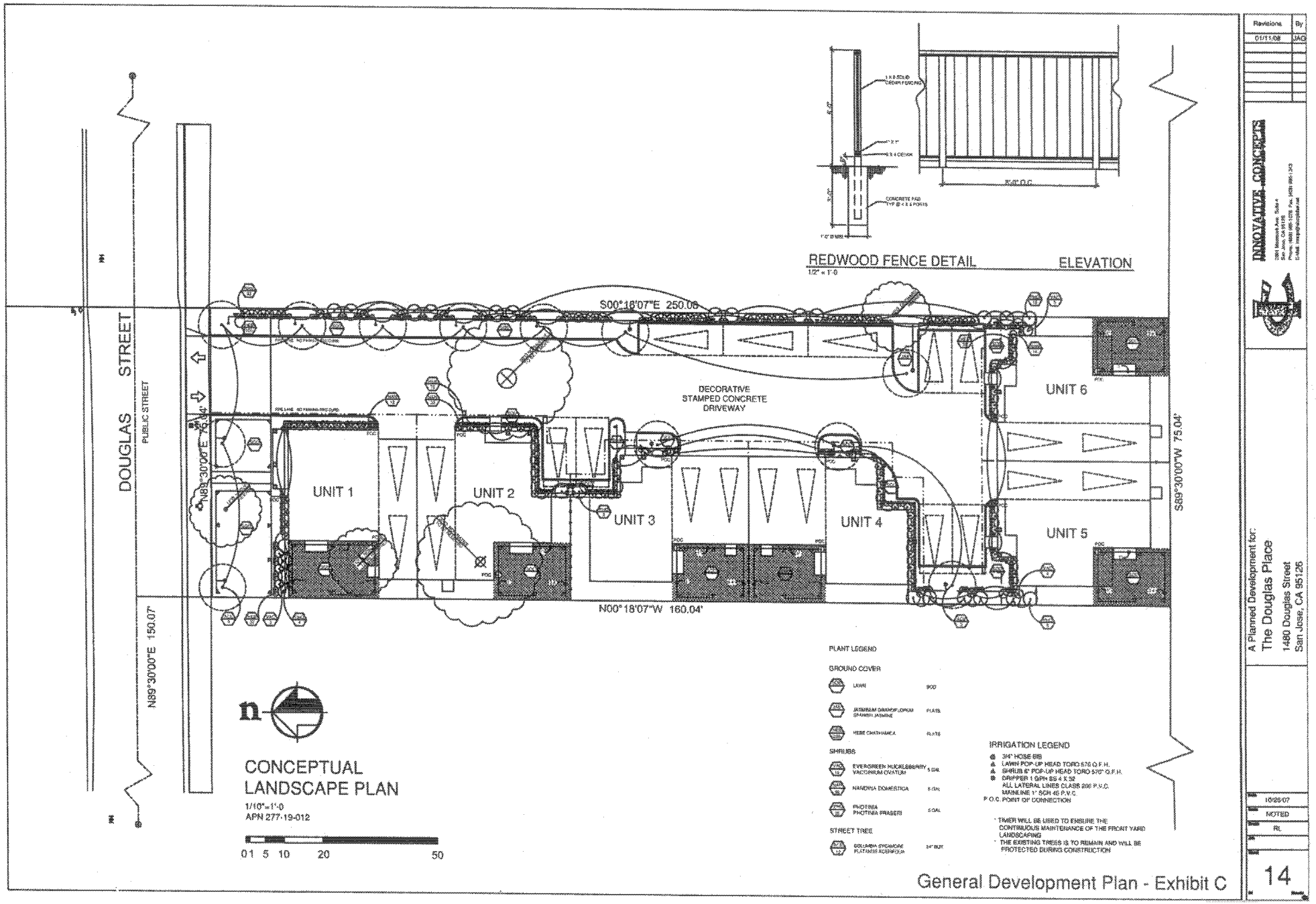

DOUGLAS STREET
PUBLIC STREET
N89°30'00"E 150.07'
N89°30'00"E 75.04'
S00°18'07"E 250.00'
S89°30'00"W 75.04'
N00°18'07"W 160.04'
DECORATIVE STAMPED CONCRETE DRIVEWAY
UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
REDWOOD FENCE DETAIL
1/2" = 1'-0
ELEVATION
CONCEPTUAL LANDSCAPE PLAN
1/10"=1'-0
APN 277-19-012
0 1 5 10 20 50
PLANT LEGEND
GROUND COVER
LAWN SOD
JASMINUM GRANDIFLORUM SPANISH JASMINE FLATS
HEBE CHATHAMICA FLATS
SHRUBS
EVERGREEN HUCKLEBERRY VACCINIUM OVATUM 5 GAL
NANDINA DOMESTICA 5 GAL
PHOTINIA PHOTINIA FRASERI 5 GAL
STREET TREE
COLUMBIA SYCAMORE PLATANUS ACERIFOLIA 24" BOX
IRRIGATION LEGEND
@ 3/4" HOSE BIB
LAWN POP-UP HEAD TORO 570 Q.F.H.
SHRUB 6" POP-UP HEAD TORO 570° Q.F.H.
DRIPPER 1 GPH SS 4 X 32
ALL LATERAL LINES CLASS 200 P.V.C.
MAINLINE 1" SCH 40 P.V.C.
P.O.C. POINT OF CONNECTION
* TIMER WILL BE USED TO ENSURE THE CONTINUOUS MAINTENANCE OF THE FRONT YARD LANDSCAPING
* THE EXISTING TREES IS TO REMAIN AND WILL BE PROTECTED DURING CONSTRUCTION
Revisions By
01/11.08 JAG
INNOVATIVE CONCEPTS
A Planned Development for:
The Douglas Place
1480 Douglas Street
San Jose, CA 95126
10/25/07
NOTED
RL
14
General Development Plan - Exhibit C

Figure 18

II. ENVIRONMENTAL SETTING, IMPACT CHECKLIST AND MITIGATION

1. AESTHETICS

SETTING

The current view of the project site consists primarily of a small house, accessory buildings, open space and trees, which can be seen in the preceding photographs, Figures 7 and 8.

Scenic Route

The project site is not located adjacent to a designated scenic route.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
1. AESTHETICS. Would the project:					
a. Have a substantial adverse effect on a scenic vista?			X		25,26,27
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway?				X	25,26, 27,29,31
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			X		25,26,27
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?			X		25, 26,28,32
e. Increase the amount of shading on public open space (e.g., parks, plazas and/or school yards)?			X		25,26,28

The current view of the site consists of a small house, accessory buildings, open space and trees as shown on the preceding photographs, Figures 7 and 8. The project would change the view of the site from a small house, accessory buildings, open space and trees to a six-unit single family attached residential development. The project would not have a substantial adverse effect on a scenic vista or substantially degrade the existing visual character or quality of the site and its surroundings. Replacement trees, street trees and landscaping will be provided as part of the project. Detailed architectural and landscape plans will be submitted for review and approval in accordance with the City's Residential Design Guidelines and PD Zoning procedure.

Light and Glare

The project could potentially produce offsite light and glare. The project will be designed to utilize downward-directed security lights with low elevation standards in order to prevent offsite light and glare in accordance with the City's Outdoor Lighting on Private Developments Policy.

Temporary Construction Visual Impacts

Construction of a typical project causes short-term visual impacts. The grading operations create a visual impact, and construction debris, rubbish and trash can accumulate on construction sites and are unsightly if visible from public streets. Public streets that are impacted by project construction activities will be swept and washed down daily. Debris, rubbish and trash will be cleared from any areas onsite that are visible from a public street. The completion of the project improvements and landscaping will eliminate the short-term visual impacts of the grading and construction operations.

STANDARD REQUIREMENTS INCLUDED IN THE PROJECT

- The project design will conform to the City's Residential Design Guidelines.
- Lighting on the site will conform to the City's Outdoor Lighting Policy (4-3).

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

2. AGRICULTURE RESOURCES

SETTING

Important Farmlands

The *Santa Clara County Important Farmland Map*, prepared by the California Department of Conservation and the USDA Natural Resources Conservation Service, classifies land in seven categories in order of significance: 1) prime farmland, 2) farmland of Statewide importance, 3) unique farmland, 4) farmland of local importance, 5) grazing land, 6) urban and built-up land and 7) other land. The project site is classified as "urban and built-up land," which is defined as land occupied by structures with a building density of at least one unit to one and one-half acres.

Williamson Act

The California Land Conservation Act ("Williamson Act") was enacted to help preserve agricultural and open space lands via a contract between the property owner and the local jurisdiction. Under the contract, the owner of the land agrees not to develop the land in exchange for reduced property taxes. The project site is not under a Williamson Act contract.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
2. AGRICULTURE RESOURCES. Would the project:					
a. Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	33,34
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	35,64
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X	25,26,28

Important Farmlands

The project site is classified as urban and built-up land on the *Important Farmland Map* for Santa Clara County. Since the site is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use, the project would not have a significant impact on agricultural land.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

3. AIR QUALITY

SETTING

Bay Area Air Quality Management District

The project site is located within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The District includes seven Bay Area counties and portions of two others. Air quality emission and control standards are established by the BAAQMD and the California Air Resources Board, and by the Environmental Protection Agency (EPA) at the Federal level. These agencies are responsible for developing and enforcing regulations involving industrial and vehicular pollutant emissions, including transportation management and control mitigation measures.

Regional Climate

The air quality of a given area is not only dependent upon the amount of air pollutants emitted locally or within the air basin, but also is directly related to the weather patterns of the region. The wind speed and direction, the temperature profile of the atmosphere, and the amount of humidity and sunlight react with the emitted pollutants each day, and determine the resulting concentrations of air pollutants defining the "air quality."

The Bay Area climate is Mediterranean, with mild, rainy winters November through March, and warm, sunny and nearly dry summers June through September. Summer temperature inversions trap ground level pollutants. Winter conditions are less conducive to smog, but thin evening inversions sometimes concentrate carbon monoxide emissions at ground level.

Air Quality Standards

The U.S. EPA and the California Air Resources Board have both established ambient air quality standards for common pollutants to avoid adverse health effects from each pollutant. The pollutants, which include ozone, carbon monoxide (CO), nitrogen dioxide, and particulate matter (PM_{10} and $PM_{2.5}$), and their standards are included in the Local Air Quality table that follows.

Regional Air Quality

The Federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where the federal or state ambient air quality standards are not met as "nonattainment areas". Because of the differences between the federal and state standards, the designation of nonattainment areas is different under Federal and State legislation.

The Bay Area is currently a nonattainment area for the 1-hour ozone standard. However, in April 2004, U.S. EPA made a final finding that the Bay Area has attained the federal 1-hour ozone standard. The finding of attainment does not mean the Bay Area has been reclassified as an attainment area for the 1-hour standard; the region must submit a re-designation request to EPA in order to be reclassified as an attainment area. The U.S. EPA has classified the San

Francisco Bay Area as a nonattainment area for the federal 8-hour ozone standard. The Bay Area was designated as unclassifiable/attainment for the federal $PM_{2.5}$ standard.

Under the California Clean Air Act, Santa Clara County is a nonattainment area for ozone and particulate matter (PM_{10} and $PM_{2.5}$). The county either meets attainment or is unclassified for the other pollutants. The California Clean Air Act requires local air pollution control districts to prepare air quality attainment plans; these plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods or, if not, provide for adoption of "all feasible measures on an expeditious schedule".

Local Air Quality

Air quality in the project area is subject to the problems experienced by most of the Bay Area. Emissions from millions of vehicle-miles of travel each day often are not mixed and diluted, but are trapped near ground level by an atmospheric temperature inversion. Prevailing air currents generally sweep from the mouth of the Bay toward the south, picking up and concentrating pollutants along the way. A combination of pollutants emitted locally, the transport of pollutants from other areas, and the natural mountain barriers (the Diablo Range to the east and the Santa Cruz Range to the southwest) produce high concentrations. Air quality data from the last three years at the nearest BAAQMD monitoring station in San Jose, and Federal and State standards, are shown in the following table.

Table 2. Local Air Quality

Pollutant	Standard	Days Exceeding Standard 2004	2005	2006
OZONE				
State 1-hour	0.09 ppm	0	1	5
State 8-hour	0.07 ppm	*	1	5
Federal 1-hour	0.12 ppm	0	**	**
Federal 8-hour	0.08 ppm	0	0	1
CARBON MONOXIDE				
State/Federal 8-hour	9.0 ppm	0	0	0
NITROGEN DIOXIDE				
State 1-hour	0.25 ppm	0	0	0
PARTICULATE MATTER (PM_{10})				
State 24-hour	50 $\mu g/m^3$	4	2	2
Federal 24-hour	150 $\mu g/m^3$	0	0	0
PARTICULATE MATTER ($PM_{2.5}$)				
Federal 24-hour	65 $\mu g/m^3$	0	0	***
Federal 24-hour	35 $\mu g/m^3$	***	***	6

ppm = parts per million $\mu g/m^3$ = micrograms per cubic meter

SOURCE: Bay Area Air Quality Management District monitoring data for San Jose.

* The California 8-hour standard was implemented on May 17, 2005.

** The U.S. EPA revoked the national 1-hour standard on June 15, 2005.

*** The U.S. EPA revised the national 24-hour $PM_{2.5}$ standard from 0.65 $\mu g/m^3$ to 0.35 $\mu g/m^3$ on December 17, 2006.

Project Site

The project site is similar to other locations in the South Bay; air quality meets adopted State and/or Federal standards (the more stringent standard applies) on most days, and during periods when regional atmospheric conditions are stagnated, the air quality is poor throughout the extended South Bay area. There are no existing sources on the project site that currently adversely affect local air quality.

Sensitive Receptors

Sensitive receptors are facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child care centers, retirement homes, convalescent homes, hospitals and medical clinics. The closest sensitive receptors are the single family detached residences located to the north, east and south of the project site, and the townhomes to the west.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
3. AIR QUALITY. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?				X	29,37
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X		26,37
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?			X		26,37
d. Expose sensitive receptors to substantial pollutant concentrations?			X		28,37
e. Create objectionable odors affecting a substantial number of people?				X	26,28

Project Impacts

For most types of development projects, motor vehicles traveling to and from the project represent the primary source of air pollutant emissions associated with the project. The BAAQMD has established thresholds of significance for these indirect impacts from projects on local and regional air quality. An air quality analysis is recommended when vehicle emissions of carbon monoxide (CO) exceed 550 lbs/day; and if a project generates over 80 lbs/day of reactive organic gases (ROG), nitrogen oxides (NO_x) or suspended particulate matter (PM_{10}), it would have a significant air quality impact. The District has also developed sizes or activity levels for

various types of land use, using default values, that would exceed the threshold of significance for NO_x (80 lbs/day). For single family residential, the size is 320 units. The proposed 6-unit project is substantially below that level and, therefore, would not have a significant air quality impact.

Odors
The project would not generate objectionable odors or place sensitive receptors adjacent to a use that generates odors (i.e., landfill, composting, etc.).

Sensitive Receptors
The closest sensitive receptors (the single family detached residences located to the north, east and south of the project site, and the townhomes to the west) could be subjected to fugitive dust as a result of construction, as discussed below.

Temporary Construction Air Quality
Project construction would produce short-term fugitive dust generated as a result of soil movement and site preparation. Construction would cause dust emissions that could have a significant temporary impact on local air quality. Fugitive dust emissions would be associated with site preparation activities, such as excavation and grading, and building demolition and/or construction. Dust emissions would vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Particulates generated by construction are recognized, but small, contributing sources to regional air quality. While it is a potential impact, construction dust emissions can be mitigated by dust control and suppression practices that are appropriate for the project and level of activity.

STANDARD REQUIREMENTS INCLUDED IN THE PROJECT

Temporary Construction Air Quality
- The following construction practices will be implemented during all phases of construction to prevent visible dust emissions from leaving the site.
  - Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses will be kept damp at all times, or will be treated with non-toxic stabilizers or dust palliatives;
  - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
  - Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
  - Sweep daily, or more often if necessary (preferably with water sweepers), all paved access roads, parking areas and staging areas at construction sites; water sweepers will vacuum up excess water to avoid runoff-related impacts to water quality; and
  - Sweep streets daily, or more often if necessary (preferably with water sweepers), if visible soil material is carried onto adjacent public streets.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

4. BIOLOGICAL RESOURCES

Live Oak Associates, Inc. conducted a tree survey dated November 5, 2007 that is included in the Technical Appendix.

SETTING

Vegetation

Vegetation on the project site consists of some trees and low herbaceous ground cover. There are no designated Heritage Trees on the site, and no rare or endangered plant species are known to inhabit the site.

Trees

A detailed tree survey of all trees on the site was conducted on October 23, 2007. A total of 12 trees, ranging in diameter from 3 inches to 66 (combined total) inches, were tagged and evaluated. Two trees exceed 18 inches in diameter and come under the review of the City's Tree Ordinance. The approximate locations of the trees are shown on the following Tree Locations map, and their description by type, size and general condition is given in the following table. Ordinance-sized trees are shown in **bold** in the table. Photographs of each Ordinance-sized tree are included in the Technical Appendix.

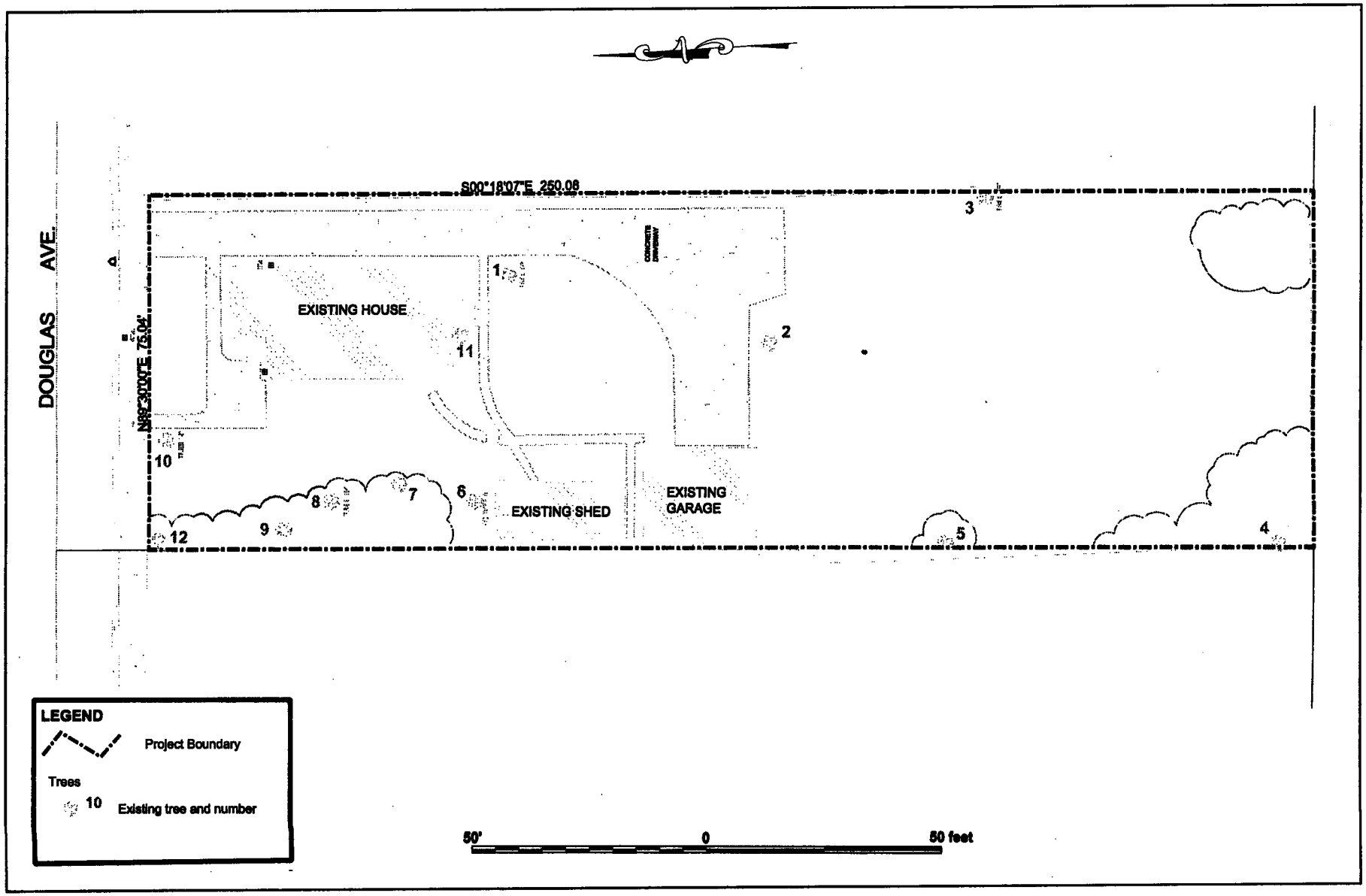
General conditions of the trees were determined using a rating system for individual tree health/ structure by assigning values for these categories from one to ten, with values of one being the worst rating (dead) and values of ten being the best. Trees with values of two to three were rated as "poor", values of four to six were rated as "fair", and values of seven to ten were rated as "good".

Riparian Corridor Habitat

Riparian corridor habitat, i.e., vegetation occurring along the banks of a waterway, is not located on or within 300 feet of the project site. The project would not be constructed within 100 feet of riparian corridor habitat (within 100 feet of the top of bank or edge of riparian vegetation of any waterway).

Santa Clara Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP)

The Planning Agreement for the HCP/NCCP requires that the California Department of Fish and Game (DFG) and other agencies comment on Reportable Interim Projects and recommend mitigation measures or project alternatives that will help achieve the preliminary conservation objectives and not preclude important conservation planning options or connectivity between areas of high habitat value. The project site is within the interim referral area; however, it will not adversely affect natural communities, and no referral is required.



Tree Locations

Figure 19

Table 3. Existing Trees

No.	Scientific Name	Common Name	Native Tree	Diameter * *(inches)*	General Condition	To Be Removed
1.	***Sequoia sempervirens***	**Coast Redwood**		**43**	**Good**	**X**
2.	*Pyrus communis*	Pear		8	Good	X
3.	*Ailanthus altissima*	Tree of Heaven		12	Good	
4.	*Ailanthus altissima*	Tree of Heaven		6	Good	X
5.	*Prunus* sp.	Plum		9	Good	X
6.	***Sequoia sempervirens***	**Coast Redwood**		**15,14,9,8,7,7,6 ****	**Good**	**X**
7.	*Prunus persica*	Peach		3	Fair	X
8.	*Prunus armeniaca*	Apricot		11	Fair	X
9.	*Prunus* sp.	Plum		4	Good	X
10.	*Juglans regia*	English Walnut		13	Good	
11.	*Ailanthus altissima*	Tree of Heaven		5	Good	X
12.	*Ligustrum lucidum*	Privet		4,3,3,2,2,2	Good	X

Note: Some trees have multiple stems from a single trunk. Ordinance-sized trees are shown in **bold**.

* Diameter at 2 feet above ground.

** Combined total represents Ordinance-sized tree.

Y = Native Tree. X = To be Removed.

Wildlife

The project site contains developed / ruderal (disturbed) habitat. Wildlife typically associated with this habitat type include birds, reptiles, and small mammals. No rare or endangered animal species are known to inhabit the site. The site does not contain any known important wildlife breeding, nesting or feeding areas.

Raptors

All raptors (i.e., eagles, hawks and owls) and their nests are protected under both Federal and State regulations. The Federal Migratory Bird Treaty Act prohibits killing, possessing or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This Act encompasses whole birds, parts of birds and bird nests and eggs. Birds of prey are protected in California under the State Fish and Game Code. Section 3503.5 states that it is "*unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.*" Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the DFG. Any loss of fertile eggs or nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. Construction activities such as tree removal, site grading, etc., that disturb a nesting raptor onsite or immediately adjacent to the site constitute a significant impact.

The project site contains trees that may provide suitable habitat for tree-nesting raptors; however, no raptor nests are currently known to exist on the site. The site does not provide suitable habitat for burrowing owls.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
4. BIOLOGICAL RESOURCES. Would the project:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			25,67
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X	25,41
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption or other means?				X	25
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X	25
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		29,40,90
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X	25,29

Trees

There are 12 trees on the project site, ranging in diameter from 3 to 66 (combined total) inches. Ten (10) trees, none of which is native, are planned to be removed with the project, as indicated by an "X" on the preceding Existing Trees table. Two (2) of the trees to be removed exceed 18 inches in diameter (56-inch circumference) and come under the review of the City's Tree Ordinance, which requires approval for the removal of any tree with an 18-inch diameter (56-

inch circumference) or greater. Two trees are currently planned to be retained with the project, as shown on the Conceptual Landscape Plan, Figure 18. The exact number of trees to be removed will be determined at the PD Permit stage. Street trees will be planted along Douglas Street. Any tree that is removed will be replaced with the addition of a new tree(s) at the ratios shown in the Tree Replacement Ratios table, Table 4, that follows.

Trees to remain will be safeguarded before and during construction by a Tree Protection Plan developed by a consulting arborist, and implemented with measures such as the storage of oil, gasoline, chemicals, etc. away from trees; grading around trees or root pruning only as approved, and prevention of drying out of exposed soil where cuts are made; any additional tree pruning needed for clearance performed or supervised by an arborist; application of supplemental irrigation as determined by the consulting arborist; no dumping of liquid or solid wastes in the dripline or uphill from any tree; and construction of barricades around the dripline of the trees until all grading and construction is completed, as outlined in the City's Tree Ordinance.

Replacement trees are in addition to normal landscaping and required street trees. If sufficient area is not available onsite within the project for all of the replacement trees, a contribution would be made to Our City Forest where the funds would be used to plant trees within the City.

Santa Clara Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP)

The project site is not located in an area that is protected by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or State conservation plan.

Wildlife

The project requires the removal of ten of the trees and vegetation on the site. The birds and small mammals would diminish during the initial construction, but as the new urban landscaping matures, birds that have adapted to the urban environment would return.

Raptors

The project site provides potentially suitable habitat for tree-nesting raptors. The site does not currently contain any known raptor nests; however, pre-construction surveys for nesting raptors should be conducted.

STANDARD REQUIREMENTS INCLUDED IN THE PROJECT

Trees

- Any tree that is removed will be replaced with the addition of a new tree(s) at the ratios shown in the following Tree Replacement Ratios table.

Table 4. Tree Replacement Ratios

Diameter of Tree to be Removed	Type of Tree to be Removed	Minimum Size of Each Replacement Tree
	Non-Native	
18 inches or greater	4:1	24-inch box
12 to 17 inches	2:1	24-inch box
Less than 12 inches	1:1	15-gallon container

x:x = tree replacement to tree loss ratio

Note: Trees greater that 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

- The species and exact number of trees to be planted on the site will be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

- Replacement trees are to be above and beyond standard landscaping; required street trees do not count as replacement trees.

- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:
  - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees.
  - An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building and Code Enforcement. Contact Todd Capurso, Parks, Recreation and Neighborhood Services Landscape Maintenance Manager, at 277-2733 or todd.capurso@sanjoseca.gov for specific park locations in need of trees.
  - A donation of $300.00 per mitigation tree will be paid to Our City Forest for in-lieu offsite tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. Contact Rhonda Berry, Our City Forest, at 408-998-7337 x106 to make a donation. A donation receipt for offsite tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

- The following tree protection measures will also be included in the project in order to protect trees to be retained during construction.

Pre-construction Treatments

- The applicant will retain a consulting arborist. The construction superintendent will meet with the consulting arborist before beginning work to discuss work procedures and tree protection.

- Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences will be 6-foot chain link or equivalent as approved by the consulting arborist. Fences are to remain until all grading and construction are completed.
- Prune trees to be preserved to clean the crown and to provide clearance. All pruning will be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

During Construction

- No grading, construction, demolition or other work will occur within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
- Any root pruning required for construction purposes will receive the prior approval of, and be supervised by, the consulting arborist.
- Supplemental irrigation will be applied as determined by the consulting arborist.
- If injury should occur to any tree during construction, it will be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
- No excess soil, chemicals, debris, equipment or other materials will be dumped or stored within the TREE PROTECTION ZONE.
- Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
- As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees will be designed to withstand differential displacement.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Active Raptor Nests

- If possible, construction should be scheduled between September and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Game, designate a construction-free buffer zone (typically 250 feet) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged. The applicant shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading or building permit.

5. CULTURAL RESOURCES

Archives & Architecture conducted an historical evaluation dated December 3, 2007 that is included in the Technical Appendix.

SETTING

Prehistoric Resources

The project site is not within a potential archaeological resource zone as outlined on the maps on file at the City of San Jose Planning Division. There are no known cultural sites on the project site, nor does the site have any natural features of significant scenic value or with rare or unique characteristics.

Historic Resources

An historical evaluation of the project site was conducted to determine its significance, if any. The project site contains one c1924 house, a detached garage and a shed; the garage and shed are located at the west property line behind the house. The front yard includes a concrete driveway that curves around the rear of the house. The lot is proportionately large for the area, both wider and deeper than neighboring parcels; the rear yard has a substantial open area.

Architecture

The north-facing frame residence is somewhat late Craftsman-style in appearance; but its characteristic bungalow features are minimal, including only a double-gabled roof, knee braces, exposed rafter tails and wide rake boards. The one-story body of the house is a rectangle in plan with a simple front-gabled roof of moderate pitch. There is a projecting front wing that appears to have either replaced or enclosed the original porch. Front entry is from a concrete side stoop. The rear half of the house is an addition as well; a small covered porch is centered on the rear elevation.

The walls of the house are clad in horizontal lap siding. Composition shingles cover the roof. The sheathing visible under the moderately deep eaves is different at the main house and the front gable area. The main house has wide v-groove sheathing; the front gable has narrow v-groove, similar to beaded board. The house is raised slightly above grade on a concrete foundation. The main portion of the house has a low foundation and a low, frame pony wall; the rear half of the house has a tall exposed concrete foundation.

Fenestration consists primarily of 1/1 double-hung windows placed individually and in pairs. The windows are cased with flat boards trimmed with architrave moldings and thin flat-board aprons. Although there are two types of architrave moldings on the window surrounds – square and ogee – no pattern of placement could be discerned that connects the type of moldings to the major plan alterations; therefore, windows may have been salvaged or replaced. The overall proportions and designs of the windows are quite similar. The front door, facing west, has three horizontal panels and a square window. The rear door matches it.

The detached accessory structures are located to the southwest of the house. A rectangular garden shed, likely from the 1960s, has vertical latticework walls, corrugated fiberglass roofing, and exposed rafter tails. It has lattice doors that continue the pattern of the walls. The gable-roofed two-car garage has a double-wide sliding door that faces east toward the interior of the parcel. The door appears to have been replaced at some time with wide v-groove siding. The footprint includes a shop or storage area toward the front of the lot; it has a pair of wood, ribbon windows that each consists of three sliding 2x2-lite sash. The garage has a corrugated galvanized metal roof over shallow exposed rafter tails.

History

The project site is located in an unincorporated area known as Burbank within San Jose's sphere of influence. Prior to its development, the Burbank area was part of the grazing lands of Mission Santa Clara during the late 18th and early 19th centuries, and later the Rancho de los Coches. By 1873, 220 acres of this western portion of the rancho were purchased by Elisha Bradley, and evolved into an orchard district. A 40-acre prune orchard purchased by Alpha Child May around 1887 was later subdivided in 1908 by his surviving daughters into the MayPark Half Acres Subdivision, of which the project site was originally portions of Lot 13 and 14 of Block 3. By early 1924, the property was owned by John and Lydia Robinson, who resided at the adjacent parcel to the west. In January, 1924, Robinson sold the property to George and Hattie English. Either George English or John Robinson, both carpenters, probably built the original four-room cottage; the English family first appears in city directories in 1925. About two years later, the property was sold to Maude Mobley, who used the residence as rental property. In October, 1937, Mobley sold the property to William and Agnes McDermott, during whose tenancy the rear portion of Lot 12 was appended to the original parcel on which the house had been built. In January, 1944, McDermott sold the property to Manuel and Clarice Bettencourt. Under the Bettencourt ownership, the house was expanded both at the front and rear, and a bay window that had been located along the east side of the building was removed. Manuel and Clarice lived in the residence until the 1980s, after which it was used as a rental until it was sold in 2004.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
5. CULTURAL RESOURCES. Would the project:					
a. Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?			X		25, 43,44,91
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?			X		27,42

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
5. CULTURAL RESOURCES (Cont.). Would the project:					
c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?				X	27,67
d. Disturb any human remains, including those interred outside of formal cemeteries?			X		27

Prehistoric Resources and Native American Burials

The project site is not in a potential archaeological resource zone and there is no basis to warrant subsurface investigations or monitoring during construction at this time; therefore, the project would not have a significant impact on known archaeological resources. Although they are not expected to be found at this location, Native American burials are protected by State law.

Historic Resources

The project site was evaluated using the criteria or standards of the City of San Jose Historic Preservation Ordinance and those of the California Register and National Register of Historic Places. Prior to considering the architectural quality, a property is evaluated to determine if it retains architectural integrity and is representative of a style or age of which there are few or very limited representations in San Jose.

The property is associated primarily with Manuel and Clarice Bettencourt, persons who are not known to be significant within the history of San Jose and environs. The property was developed more than 15 years after the creation of the MayPark Half Acres Subdivision, where it is located. The subdivision and the surrounding residential neighborhoods have not been established at this point as reflecting significant patterns of local development.

The house, detached garage and accessory building on this property lack visual interest as representative of early 20th-century Craftsman design. The compact footprint of the original house has been modified due to expansions in the 1950s. The house lacks quality of design due to a lack of consistency in the detailing to the walls and fenestration.

The City of San Jose's criteria for historical significance are described in the report in the Technical Appendix. Based on these criteria, the San Jose Historical Landmarks Commission has established a process by which historical resources are evaluated for significance and a numerical value is assigned. Scores of 134-67 points qualify the resource for nomination as a City Landmark; 66-33 points qualify the resource as a Structure of Merit or as a Contributing Structure to an historic district, and for listing on the Inventory of Historic Resources; and resources scoring 32 points or less are not eligible for a category of significance. The property and structures received 23.59 points under the City of San Jose Historic Evaluation Criteria and are not eligible for a category of significance. The historic evaluation forms are included in the report in the Technical Appendix.

The National Register of Historic Places has established standards for evaluating the significance of resources that are important in the heritage of the nation. The criteria for listing historical resources in the California Register are consistent with those developed by the National Park Service for listing resources in the National Register of Historic Places, but have been modified for State use in order to include a range of historical resources that better reflect the history of California. As explained in the report in the Technical Appendix, the buildings are not eligible for listing in the National Register or the State Register of Cultural Resources.

STANDARD REQUIREMENTS INCLUDED IN THE PROJECT

Prehistoric Resources and Native American Burials

- In the unlikely event that evidence of unknown prehistoric cultural resources is discovered during construction, work within 50 feet of the find will be stopped to allow adequate time for evaluation and mitigation, and a qualified professional archaeologist called in to make an evaluation; the material will be evaluated; and if significant, a mitigation program including collection and analysis of the materials prior to the resumption of grading, preparation of a report and curation of the materials at a recognized storage facility will be developed and implemented to the satisfaction of the Director of Planning and submitted to the City's Environmental Principal Planner.

- Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California: In the event of the discovery of human remains during construction, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner will be notified by the developer and will make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he will notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner will reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

- Any Native American human remains that are discovered and would be subject to disturbance will be removed and analyzed, a report will be prepared, and the remains will be reburied in consultation and agreement with the Native American Most Likely Descendant designated by the Native American Heritage Commission. Prior to obtaining a Building Permit, a copy of the report will be submitted to the City's Environmental Principal Planner to the satisfaction of the Director of Planning.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

6. GEOLOGY AND SOILS

SETTING

Topography

The project site has a uniform northeasterly slope of approximately 0.5 percent. Elevations on the site range from approximately 119 feet above sea level at the northeasterly corner to approximately 121 feet above sea level at the southwesterly corner. There are no significant topographical features on the site.

Geology

The project site is underlain by Quaternary alluvium (Qal), which consists of unconsolidated to weakly consolidated silt, sand and gravel. Quaternary alluvium includes Holocene and late Pleistocene alluvium and minor amounts of beach and dune sand and marine terrace deposits.

Geologic Hazard Zone

The project site is not located in a geologic hazard zone as mapped by the City of San Jose in accordance with the Geologic Hazards Ordinance.

Soils

The project site is underlain by the alluvial soils of the Yolo association as classified by the U.S. Department of Agriculture, Soil Conservation Service. Orestimba clay loam (Of) is the specific soil type identified at the site. Orestimba clay loam is characterized by a grayish brown, subangular blocky, hard, neutral surface layer approximately 9 to 11 inches thick; moderately good natural drainage; very slow subsoil permeability; ponded surface runoff; no erosion hazard; moderate inherent fertility (Class III); and a high shrink/swell capacity.

The site is not mapped within a hazard zone on the City's *Geologic/Seismic Hazard Zones* maps. According to Cooper-Clark and Associates' *San Jose Geotechnical Investigation*, the site is mapped as having a moderately high liquefaction potential, weak soil layers and lenses occurring at random locations and depths, highly expansive soils, no erosion potential, and no landslide susceptibility. These soils conditions can be managed using standard engineering measures and do not require further geologic study at this time as part of the environmental review process, but may require further analysis prior to the issuance of a grading or building permit.

Faulting

There are no identified earthquake faults mapped on the site, and the site is not mapped within a designated Alquist-Priolo Earthquake Fault Zone (formerly Special Studies Zone) or within a City of San Jose Fault Hazard Zone. The nearest active fault zones are the Hayward and Calaveras Faults, which are mapped approximately 7.8 and 9.2 miles respectively to the northeast, and the San Andreas Fault, which is mapped approximately 8.0 miles to the southwest.

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
6. GEOLOGY AND SOILS. Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: 1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)				X	46, 47,50,51
2) Strong seismic ground shaking?			X		27,49
3) Seismic-related ground failure, including liquefaction?			X		31,49,87
4) Landslides?				X	47,49
b. Result in substantial soil erosion or the loss of topsoil?			X		48,49
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		49
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X		48,49
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X	28

The site is mapped as having a moderately high liquefaction potential, weak soil layers and lenses occurring at random locations and depths, highly expansive soils, no erosion potential, and no landslide susceptibility. Detailed onsite investigations would be performed prior to the design and construction of the project, in order to determine the in-place conditions of the soils on the site and make appropriate recommendations for the design and construction of the project.

Expansive Soils

The surface soils on the site pose a hazard to building foundations because of their shrink/swell potential. Measures for buildings on expansive soils include drainage control and the use of special foundations. Drainage will be controlled and directed away from the structure and pavements. Special foundations will be utilized in any residences subjected to expansive soils movement.

Erosion

Development of the project site may subject the soils to accelerated erosion. In order to minimize erosion, erosion control measures such as those described in the Association of Bay Area Governments (ABAG) *Manual of Standards for Erosion & Sediment Control Measures* will be incorporated into the project.

Ground Rupture

Ground rupture (surface faulting) tends to occur along lines of previous faulting. As the site is not located within a State of California Earthquake Fault Hazard Zone and there are no known active faults on the site, the potential for ground rupture due to an earthquake is low.

Seismic Shaking

The maximum seismic event occurring on the site would probably be from effects originating from the Hayward, Calaveras, or San Andreas fault systems. Ground shaking effects can be expected in the area during a major earthquake originating along any of the active faults within the Bay Area. At present, it is not possible to predict when or where movement will occur on these faults. It must be assumed, however, that movement along one or more of these faults will result in a moderate or major earthquake during the lifetime of any construction on this site. The effects on development would depend on the distance to the earthquake epicenter, duration, magnitude of shaking, design and quality of construction, and geologic character of materials underlying foundations.

The maximum credible earthquake, which is defined as *"the maximum earthquake that appears capable of occurring under the presently known framework"*, for the San Andreas Fault ranges from magnitude 8.0 to 8.3; and from magnitude 7.0 to 7.5 for either the Hayward or Calaveras Faults. The maximum probable earthquake, which is defined as *"the maximum earthquake that is likely to occur during a 100-year interval"*, for the San Andreas Fault ranges from magnitude 7.5 to 8.5; from magnitude 6.75 to 7.5 for the Hayward Fault; and from magnitude 6.5 to 7.0 for the Calaveras Fault.

Structural damage from ground shaking is caused by the transmission of earthquake vibrations from the ground into the structure. Ground shaking is apparently the only significant threat to structures built on the site; however, it is important to note that well-designed and constructed structures that take into account the ground response of the soil or rock in their design usually exhibit minor damage during earthquake shaking.

The proposed structures on the site will be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.

STANDARD REQUIREMENTS INCLUDED IN THE PROJECT

Erosion

- A City-approved Erosion Control Plan will be developed and implemented prior to approval of a grading permit or Public Works clearance with such measures as: 1) the timing of grading activities during the dry months, if feasible; 2) temporary and permanent planting of exposed soil; 3) temporary check dams; 4) temporary sediment basins and traps and/or 5) temporary silt fences.

Seismic Shaking

- The proposed structures on the site will be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

7. HAZARDS AND HAZARDOUS MATERIALS

AEI Consultants conducted a Phase I environmental site assessment dated June 20, 2007 that is included in the Technical Appendix.

SETTING

Phase I Environmental Site Assessment

A Phase I environmental site assessment was conducted to identify potential environmental liabilities associated with the presence of hazardous materials; their use, storage and disposal at and in the vicinity of the project site; as well as regulatory non-compliance that may have occurred at the site. The goal was to identify the presence or likely presence of any recognized environmental conditions -- hazardous substances or petroleum products on the property that may indicate an existing release, a past release, or a material threat of a release of any hazardous substance or petroleum product into the soil, groundwater or surface water of the property. The investigation included site history research a review of available aerial photographs and interviews with knowledgeable persons; a site reconnaissance; and regulatory agency database review for soil and groundwater contamination cases within specified search distances.

Historical Review

Historical aerial photographs of the site and vicinity from 1939 through 1998 were reviewed. In the 1939 aerial photograph, the project site is developed with a residential house and detached garage. Surrounding properties were occupied by residential houses as well.

Sanborn Fire Insurance Maps from 1915 through 1966 and city directories from 1945 through 2000 were also reviewed. The project site was undeveloped and vacant in the 1915 Sanborn map. From the 1950 through 1966 maps, the project site is developed with the residential house currently located on the property; the project site is incorporated in the western adjacent property and the site building is identified as 1484 Douglas Street. The site address of 1480 Douglas Street was first listed in the year 2000 city directory records.

Site Reconnaissance

A site reconnaissance was conducted on June 11, 2007 to obtain information indicating the likelihood of recognized environmental conditions at the project site and adjacent properties. The project site is developed with a 1,098-square-foot single-story house, a detached garage and landscaping. No aboveground or underground storage tanks, stained soil, distressed vegetation, unusual odors, evidence of dumping, pits or ponds were observed at the site. A 5-gallon bucket and oil drip pan, both with traces of waste oil; an automotive battery; stored debris including tires, a refrigerator, tools and various construction materials; and two vehicles and a boat were observed in the back yard. No leaks or staining were observed in the vicinity of the bucket and oil drip pan or of the vehicles.

Surrounding properties consist of residential houses, with a townhouse complex to the west. No evidence of aboveground or underground storage tanks, hazardous substances or petroleum

products containers, stained soil, distressed vegetation, unusual odors or evidence of dumping was observed.

Regulatory Agency Review

A regulatory agency database report was obtained and reviewed to help establish whether contamination incidents have been reported on the site or in the vicinity, as detailed in the report in the Technical Appendix. The project site was not identified during the regulatory database search. Twenty-four (24) sites within a 1/2-mile radius were identified during the Leaking Underground Storage Tanks (LUST) database search; based on regulatory oversight and relative distance from the project site, these sites are not expected to represent a significant environmental concern.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?		X			26, 27,28,92
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	28,92
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?				X	27,28
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	85,92
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	27,69
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	27,69

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
7. HAZARDS AND HAZARDOUS MATERIALS (Cont.). Would the project:					
g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?				X	27
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	25, 27,57,58

The project site is not located within the Santa Clara County Airport Land Use Commission (ALUC) jurisdiction, nor is it on one of the City's designated evacuation routes. The site also is not located within an area subject to wildfires.

General

The project site will be viewed by a qualified environmental professional during demolition and pre-grading activities to observe areas of the property that may have been obscured by existing structures or pavement for such items as stained soils, septic systems, underground storage tanks, and/or unforeseen buried utilities; and, if found, a mitigation program will be developed, submitted to the City's Environmental Principal Planner, and implemented with such measures as soil testing, removal and/or offsite disposal at a permitted facility.

Wells

There are no known water wells on the project site. If an old well(s) is discovered during grading operations, the well(s) will be destroyed prior to the construction. If not properly destroyed, a well could cause contamination of the groundwater. Well destruction is regulated by the Santa Clara Valley Water District's Ordinance No. 90-1 in order to assure that such wells will not cause pollution or contamination of groundwater or otherwise jeopardize the health, safety, or welfare of the people of the district. The Ordinance requires that a permit be obtained before a well can be destroyed.

Septic Systems

There are no known septic systems on the site. If remnants of an old system are discovered during grading operations, the septic system should be removed in accordance with the requirements of the Santa Clara County Sewage Disposal Ordinance.

Hazardous Materials

No onsite recognized environmental conditions were identified during the course of the Phase I environmental site assessment. No leaks or staining were observed in the vicinity of the bucket and oil drip pan or of the vehicles; they are not expected to represent a significant environmental

concern. The automotive battery should be disposed of properly. The remainder of the debris represents a housekeeping concern, and should be removed from the property.

The Municipal Environmental Compliance Officer reviewed the Phase I environmental site assessment report and stated that it was comprehensive and consistent with professional standards, and the conclusions are appropriate. No additional soil testing is required.

Demolition

The project proposes the demolition of a structure(s) that may contain hazards such as asbestos-containing materials (ACM) or lead based paint (LBP). The structures to be removed should be surveyed for the presence of ACM and/or LBP. If any suspect ACM are present, they should be sampled prior to demolition and removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) and Cal-OSHA requirements, if warranted. Notification must also be made to the Bay Area Air Quality Management District (BAAQMD). If any suspect LBP is present, it should be sampled prior to demolition and removed in accordance with EPA, OSHA and BAAQMD requirements, if warranted.

STANDARD REQUIREMENTS INCLUDED IN THE PROJECT

Wells

- If a well is found during grading operations, a well destruction permit will be obtained from the Santa Clara Valley Water District, and the well will be destroyed in accordance with District standards.

Septic Systems

- If a septic system is found during grading operations, it will be abandoned in accordance with the requirements of the Santa Clara County Sewage Disposal Ordinance.

Asbestos-Containing Materials (ACM)

- The structures to be removed will be surveyed for the presence of asbestos-containing materials at the demolition permit stage; and if any suspect ACM are present, they will be sampled prior to demolition in accordance with NESHAP guidelines, and all potentially friable ACM will be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with NESHAP, Cal-OSHA and BAAQMD requirements.

Lead Based Paint (LBP)

- The structures to be removed will be surveyed for the presence of lead based paint at the demolition permit stage; and if any suspect LBP is present, it will be sampled prior to demolition, and all potential LBP will be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with EPA and OSHA requirements.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

8. HYDROLOGY AND WATER QUALITY

SETTING

Waterways

There are no waterways on the project site or within 300 feet of the project site.

Flooding

The project site is not within an area of historic flooding, and according to the Federal Emergency Management Agency's (FEMA) *Flood Insurance Rate Maps*, the site is not within Zone A, the area of 100-year flood. The Santa Clara Valley Water District's (SCVWD) *Maps of Flood Control Facilities and Limits of 1% Flooding* also show the project site does not lie within a flood zone.

Water Quality

Stormwater runoff flows from the project site via the City's storm drainage system to Los Gatos Creek, the Guadalupe River, and then north to the San Francisco Bay.

The project site is currently covered with a small house, accessory buildings, open space and trees, and is approximately 25 percent impervious surfaces.

Nonpoint Sources

The Clean Water Act states that the discharge of pollutants in stormwater to Waters of the United States from any point source is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The U.S. Environmental Protection Agency requires under the Clean Water Act that any stormwater discharge from construction sites larger than one acre be in compliance with the NPDES. The State Regional Water Quality Control Board (RWQCB), which is responsible for implementing and enforcing the program, issued a statewide General Permit for construction activities. Provisions of the current Permit require that the following issues be addressed with respect to water quality regardless of the size of the site: 1) erosion and sedimentation during clearing, grading or excavation of a site; 2) the discharge of stormwater once construction is completed; and 3) implementation of post-construction treatment controls. Coverage under this Permit would be obtained by submitting a Notice of Intent to the RWQCB that identifies the responsible party, location and scope of operation; and by developing and implementing a Storm Water Pollution Prevention Plan (SWPPP) as well as monitoring the effectiveness of the plan.

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed to establish a watershed-based program to control nonpoint sources of pollution from entering water sources and deteriorating water quality. The City of San Jose is a participant in the SCVURPPP. A number of control measures, including those related to development activities, industrial and construction inspections, public agency activities and public outreach efforts, are also currently being developed and implemented. The development, implementation

and enforcement of control measures to reduce pollutant discharges from areas of new development is the responsibility of the Urban Runoff Pollution Prevention Program in cooperation with the RWQCB, project developer and subsequent property owners.

The RWQCB issued a revised NPDES Municipal Separate Storm Sewer System (MS4) Permit to the SCVURPPP. The Permit requirements are addressed in the City's Post-Construction Urban Runoff Management Policy (Policy 6-29). Provision C.3 of the Permit establishes two types of requirements for new and redevelopment projects: pollutant control measures and peak flow control measures. Specific pollutant control measures are currently required for projects that add or replace 10,000 square feet or more of impervious surface. Stormwater pollution can be reduced by a combination of site design, source control, and treatment Best Management Practices (BMPs). The Policy includes the requirement of regular maintenance to ensure effectiveness. Provision C.3 also requires the City to require development projects to implement specific numeric sizing hydraulic design calculation methods for stormwater BMPs in lieu of the former qualitative approach. These hydraulic design methods are either volume or flow-based, depending on the type of treatment BMP proposed.

A Post-Construction Hydromodification Management (HMP) Policy (Policy 8-14) was adopted by the San Jose City Council on October 18, 2005. The HMP Policy requires certain development projects to implement post-construction flow-control measures to reduce the volume, velocity and duration of stormwater runoff so that post-project runoff does not exceed pre-project conditions. The project site falls within an area in which post-construction flow control measures are encouraged to be incorporated into new "smaller" projects (those projects on sites less than 50 acres in size) so that post-construction flow volume, velocity and duration match pre-project flow conditions to the "maximum extent practicable".

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
8. HYDROLOGY AND WATER QUALITY. Would the project:					
a. Violate any water quality standards or waste discharge requirements?		X			28,61,80
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	25,27

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
8. HYDROLOGY AND WATER QUALITY (Cont.). Would the project:					
c. Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X		25,26
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?			X		25,26
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X		26,28
f. Otherwise substantially degrade water quality?		X			26,28
g. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	26, 27,59,60
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				X	26, 27,59,60
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	27,28
j. Be subject to inundation by seiche, tsunami or mudflow?				X	27

Flooding

The project site is not within the limits of potential inundation with the occurrence of a one percent flood. The site is not subject to seiche or tsunami. There is an existing 18-inch City of San Jose storm drainage line in Willard Avenue that is designed to serve the site in a developed condition. Residential development of the site would not cause flooding. Any excess flows beyond the design capacity would pond onsite.

Erosion

The approximately 45 percent increase in impervious surface on the site would result in an increase in runoff. Increased flow and duration can contribute to downstream streambank erosion. The project would not have a direct outfall into any stream. As described above,

project flows would drain through the existing storm drainage system to Los Gatos Creek, which is approximately 0.75 mile northeasterly.

Water Quality

The primary impact on water quality would result from the addition of impervious surfaces, such as rooftop, driveway and street runoff. Particulates, oils, greases, toxic heavy metals, pesticides and organic materials are typically found in urban storm runoff. The project's contribution would have a potentially significant impact on water quality. Stormwater runoff would increase under project conditions as the amount of impervious surfaces (buildings and pavement) would increase from approximately 25 percent of the site to approximately 70 percent, as shown in the following table. The proposed increase in impervious surfaces could increase the amount of stormwater discharged into the storm drainage system and Los Gatos Creek. In addition, temporary construction-related activities such as clearing, grading, or excavation could result in potentially significant impacts to water quality.

Table 5. Pervious and Impervious Surfaces Comparison

	Existing Condition (sq ft)	%	Proposed Condition (sq ft)	%	Difference (sq ft)	%
Site (acres): 0.417	**Site (sq ft): 18,160**					
Building Footprint(s)	1,920	10.5	6,580	36.2	4,660	25.6
Parking/Driveway	2,400	13.2	6,090	33.5	3,690	20.3
Sidewalks, Patios, Paths, etc.	250	1.3	0	0	-250	-1.3
Landscaping/OS	13,590	74.8	5,490	30.2	-8,100	-44.6
Total	**18,160**	**100%**	**18,160**	**100%**	**0**	**0%**
Impervious Surfaces	4,570	25.2	12,670	69.8	8,100	45
Pervious Surfaces	13,590	74.8	5,490	30.2	-8,100	-45
Total	**18,160**	**100%**	**18,160**	**100%**	**0**	**0%**

Stormwater runoff and pollution would be reduced by the use of grassy swales and disconnected roof drains, as shown on the Stormwater Control Plan, Figures 16 and 17. Grassy swales are open, shallow channels with vegetation covering the side slopes and bottom that collect and slowly convey runoff flow to downstream points. They both reduce the quantity and improve the quality of runoff. Grassy swales would be used within some of the landscaping and common open space areas. Roof drains that are not connected to the storm drainage system divert runoff to landscaped areas via splash blocks or pop-up drainage emitters. These measures would also provide some flow control benefit in conformance with HMP Policy provisions.

STANDARD REQUIREMENTS INCLUDED IN THE PROJECT

Water Quality

- A Notice of Intent and a Storm Water Pollution Prevention Plan that addresses both construction and post-construction periods and specifies erosion and sediment control measures, waste disposal controls, maintenance responsibilities and non-stormwater management controls, will be submitted to the RWQCB and maintained onsite, respectively, to comply with the stormwater discharge requirements of the NPDES General Permit.

- Stormwater treatment control measures will be hydraulically sized prior to issuance of a Planned Development (PD) Permit in conformance with provisions of the City's Post-Construction Urban Runoff Management Policy and to adopted Santa Clara Valley Pollution Prevention Program NPDES Permit C.3 provisions to the satisfaction of the Director of Public Works.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Water Quality

Construction

- A Storm Water Pollution Prevention Plan (SWPPP) in compliance with the local NPDES permit shall be developed and implemented including: 1) site description; 2) erosion and sediment controls; 3) waste disposal; 4) implementation of approved local plans; 5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements; 6) Best Management Practices (BMPs) such as the use of infiltration of runoff onsite, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, stormwater retention or detention structures, oil/water separators, porous pavement, or a combination of these practices for both construction and post-construction period water quality impacts; and 7) non-storm water management.

Post-Construction

- The project shall incorporate site design, source control, and treatment measures to minimize the discharge of stormwater pollutants and limit the volume, velocity and duration of runoff, such as, but not limited to, the following:
  - Hydraulically-sized grassy swales shall be incorporated into the stormwater drainage design.
  - Roof drains shall discharge and drain into landscaped areas located away from the building foundation to an unpaved area wherever possible.

- A stormwater BMP maintenance and monitoring program shall be developed at the PD Permit stage to the satisfaction of the Director of Planning.

- The maintenance and monitoring program shall be implemented to ensure that all stormwater treatment BMPs will be permanently maintained by the Homeowners' Association (HOA) for the life of the development, to the satisfaction of the Director of Planning.

9. LAND USE AND PLANNING

SETTING

General Plan

The land use designation for the project site on the *San Jose 2020 General Plan* Land Use/ Transportation Diagram is Medium High Density Residential (12-25 DU/AC). The project conforms to this land use designation.

Special Areas

The project site is not located within any of the following special areas:

- Midtown Planned Community and Specific Plan Area
- Jackson – Taylor Planned Residential Community
- Communications Hill Planned Residential Community
- Evergreen Planned Residential Community
- Berryessa Planned Residential Community
- Silver Creek Planned Residential Community
- Alviso Master Plan Area
- Tamien Specific Plan Area
- Downtown Strategy Plan Area
- North San Jose (Rincon de Los Esteros Redevelopment Area)
- Edenvale Redevelopment Area
- Martha Gardens Planned Community

Zoning

The project site is currently zoned R3 (Multi-Family Residential) in the unincorporated Burbank area of the County of Santa Clara. The project is an application to prezone the site to A(PD) in accordance with the proposed General Development Plan. Subsequent to the zoning, the project site will be annexed to the City of San Jose, as shown on the preceding Proposed Annexation exhibit, Figure 9.

Existing Use

The project site is currently single family residential. Previous uses of the site include: grazing and orchard land. The proposed project is a land use presently existing in the surrounding neighborhood (within 500 feet of the project site).

Surrounding Uses

Land uses surrounding (within 500 feet of) the project site include: single family residential to the north, east and south; and single family attached (townhome) residential to the west.

Santa Clara Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP)

The Planning Agreement for the HCP/NCCP requires that the California Department of Fish and Game (DFG) and other agencies comment on Reportable Interim Projects and recommend mitigation measures or project alternatives that will help achieve the preliminary conservation objectives and not preclude important conservation planning options or connectivity between areas of high habitat value. The project site is within the interim referral area; however, it will not adversely affect natural communities, and no referral is required.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
9. LAND USE AND PLANNING. Would the project:					
a. Physically divide an established community?				X	25,26
b. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	29,65
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	25,26,28

Compatibility

The project would change the land use on the site from single-family residential to single family attached residential use in accordance with the General Plan land use designation. Residential use is compatible with the surrounding area. Development of the project site would introduce new roads and homes to the area. These uses would change the view of the site and would generate increases in traffic, noise and air pollution in the area that would not be significant.

Santa Clara Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP)

The project site is not located in an area that is protected by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or State conservation plan.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

10. MINERAL RESOURCES

SETTING

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated the Communications Hill Area, bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87 and Hillsdale Avenue, as the only area in San Jose containing mineral deposits that are of regional significance as a source of construction aggregate materials.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
10. MINERAL RESOURCES. Would the project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	27,29,67
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	27,29,67

Since the project site is outside of the Communications Hill area, there will be no impact on any known important mineral resource.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

11. NOISE

Charles M. Salter Associates, Inc. conducted an environmental noise assessment dated January 10, 2008 that is included in the Technical Appendix.

SETTING

Existing Noise Sources

Noise intrusion over the site originates primarily from vehicular traffic sources. The site is located along Douglas Street; approximately 150 feet east of Willard Avenue; 700 feet south of W. San Carlos Street; and 0.35 mile north of Interstate 280.

ALUC Noise Zone

The project site is not located within an Airport Land Use Commission (ALUC) Noise Zone (65 dB CNEL).

Measurements

Noise levels are described in terms of the Day-Night Sound Level (DNL), which is the 24-hour noise descriptor used by the City of San Jose to define acceptable noise levels. To obtain the DNL values, two long-term 24-hour sound level measurements and two short-term 15-minute "spot" measurements were made on December 10-12, 2007. To assess the site's existing noise environment, continuous sound level recordings were taken at the following locations: 1) approximately 25 feet south of the Douglas Street centerline at 8 feet above grade; and 2) midway along the easterly site boundary, approximately 200 feet south of the Douglas Street centerline at 10 feet above grade. The short-term measurements were taken: 3) approximately 40 feet south of the Douglas Street centerline (proposed building setback) at 6 and 16 feet above grade; and 4) in the southwesterly corner of the site, approximately 15 feet from the southern and western boundaries at 6 feet above grade. The short-term measurements were compared with the concurrent measurements at the long-term monitors to determine how sound levels vary across the site and at different elevations. DNL values of 63 dB at Location No. 1 along Douglas Street, 60 dB at Location No. 2 mid-site; 58 dB and 60 dB, respectively, at Location No. 3 along Douglas Street; and 57 dB at Location No. 4 in the southwesterly corner were determined.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
11. NOISE. Would the project result in:					
a. Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X			26,68,93

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
11. NOISE (Cont.). Would the project result in:					
b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?				X	25,27
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		25,26,28
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X			25,26,28
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	27,69
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	27,69

Standards

Noise criteria that apply to the project are the Noise Insulation Standards of the California Code of Regulations, Title 24, and the City of San Jose General Plan. Title 24 is applicable to all new multi-family dwellings.

The Title 24 standards, which utilize the DNL descriptor, establish an exterior reference level of 60 dB and specify that residential buildings to be located within an annual DNL zone of 60 dB or greater require an acoustical analysis. The analysis report must show that the planned buildings provide adequate attenuation to limit intruding noise from exterior sources to an annual DNL of 45 dB in any habitable space.

The City of San Jose General Plan establishes a policy of requiring noise mitigation from transportation noise for residential land use where the exterior level exceeds 60 dB DNL and/or the interior level exceeds 45 dB DNL. It is recognized, however, that attainment of the exterior noise quality levels in the vicinity of San Jose International Airport, the Downtown Core Area and along major roadways may not be achieved within the time frame of the General Plan. In these areas, an exterior noise goal of 65 dB DNL is acceptable where it is not feasible to reduce the exterior noise level to 60 dB DNL. Exterior and interior noise levels and mitigation measures that comply with these San Jose standards would also achieve compliance with the Title 24 standards.

The City of San Jose Zoning Ordinance for residential zoning districts (Section 20.30.700) specifies a limit of 55 dB at any property line for noise generated on the property from sources such as mechanical equipment.

Exterior Noise Exposures

Project exterior use spaces consist of individual private yards (at ground level) and second story balconies. Onsite measurements and calculations determined that the DNL across the site ranges from 57 to 63 dB DNL.

To fully assess the impact of traffic noise on the project, future traffic levels must also be considered. Future traffic volumes on San Carlos Street and Meridian Avenue are projected to increase by 40 percent and 72 percent, respectively, in the year 2020; this corresponds with an approximately 2 to 3 dB increase in traffic noise. Future year 2020 noise exposures at project exterior use spaces are projected to range between 60 and 63 dB DNL, which would exceed the City of San Jose policy level and the Title 24 criterion by up to 3 dB but would meet the above-stated criterion of 65 dB DNL for sites with noise impacts from major roadways.

Measurements indicate that environmental noise levels are relatively consistent across the site. The site is shielded from existing major roadways including W. San Carlos Street, Meridian Avenue and Interstate 280. Therefore, the provision of additional yard or balcony barriers would not significantly reduce noise exposures at exterior use spaces.

Interior Noise Exposures

To determine the interior DNL values, a 15 dB attenuation factor was applied to the measured exterior exposure. This factor represents an annual average condition; i.e., assuming that windows with single-strength glass are kept open up to 50 percent of the time for natural ventilation. Future year 2020 noise exposures at first-floor interior spaces are projected to range from 45 to 46 dB DNL; and from 47 to 48 dB DNL at second-floor interior spaces. Thus, the interior exposures would be up to 3 dB in excess of the 45 dB interior limit of the General Plan and Title 24. Closed sound-rated window and door assemblies would be required to reduce interior noise levels to City and State standards. Windows and sliding glass doors would require sound insulation ratings of STC 26 or higher. For reference, standard construction-grade dual-pane windows and sliding glass doors typically have sound insulation ratings in the range of STC 26 to 28.

Equipment Generated Noise

The project should incorporate measures to reduce noise from air conditioning units and other stationary equipment to 55 dB at any property line. These measures, which may include equipment selection and location and, if necessary, equipment enclosures, will be determined during the design phase.

Temporary Construction Noise

During construction, the site preparation and construction phase would generate temporary sound levels ranging from approximately 70 to 90 dBA at 50 foot distances from heavy equipment and vehicles. These construction vehicles and equipment are generally diesel powered, and produce a characteristic noise that is primarily concentrated in the lower frequencies.

The powered equipment and vehicles act as point sources of sound, which would diminish with distance over open terrain at the rate of 6 dBA for each doubling of the distance from the noise source. For example, the 70 to 90 dBA equipment peak noise range at 50 feet would reduce to 64 to 84 dBA at 100 feet, and to 58 to 78 dBA at 200 feet. Therefore, during the construction operations, sound level increases of 20 to 40 dBA due to these sources could occur near the project boundary.

Since construction is carried out in several reasonably discrete phases, each has its own mix of equipment and consequently its own noise characteristics. Generally, the short-term site preparation phase, which requires the use of heavy equipment such as concrete crushers, bulldozers, scrapers, trenchers, trucks, etc., would be the noisiest. The ensuing building construction and equipment installation phases would be quieter and on completion of the project, the area's sound levels would revert essentially to the traffic levels.

STANDARD REQUIREMENTS INCLUDED IN THE PROJECT

Interior Noise

- Mechanical ventilation will be provided in accordance with Uniform Building Code requirements when windows are to be closed for noise control, to the satisfaction of the Chief Building Inspector.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Interior Noise

- STC 26 or higher rated windows and doors shall be installed at all living spaces.
- All units shall be equipped with forced air ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 dB DNL.
- Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units to ensure that interior noise levels can be sufficiently attenuated to 45 dB DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.

Post-Construction Mechanical Equipment

- Post-construction mechanical equipment, such as air conditioners, shall not exceed 55 dB at any property line.

Temporary Construction Noise

- Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any onsite or offsite work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.

- Stationary noise-generating equipment shall be located as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise-sensitive receptors, such as residential uses.

12. POPULATION AND HOUSING

SETTING

The population of the City of San Jose is approximately 904,522 (June, 2005). The project site is located in Census Tract 5020.02, which has a population of approximately 2,720 (2000 Census). There is one housing unit currently on the project site.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
12. POPULATION AND HOUSING. Would the project:					
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	25,26,28
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	25,26
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	25,26

The project would displace 1 existing housing unit with an estimated population of 4 persons. The project would add 6 housing units that would add approximately 19 people to the City of San Jose for a net increase of 5 housing units and approximately 15 people, which would not be a substantial increase to the City's population.

Growth Inducement

Direct growth inducing impacts include the construction of streets and utilities that would provide access to or capacity for additional undeveloped land. The site is bordered by developed residential uses. The project would not have a direct growth inducing impact. Indirect growth inducing impacts include increases in population and economic impacts. There would be short-term increases in employment in the construction industry. The project would not have a significant indirect growth inducing impact.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

13. PUBLIC SERVICES

SETTING

Schools

The project site is in the San Jose Unified School District (K-12). Students from the project are expected to attend:

School	Address	Approx.Distance *(miles)*	Enrollment
Trace Elementary	651 Dana Avenue	1.3	791
Hoover Middle	1635 Park Avenue	1.1	1,138
Lincoln High	555 Dana Avenue	1.0	1,668

None of the schools is at or over capacity.

The District also includes several magnet schools, which offer educational options to students with special interests, talents, career goals or instructional needs; actual school attendance would also be determined by magnet and/or other school requests.

Parks

There are no developed City of San Jose parks within walking distance (3/4 mile) of the project site. The closest City parks are the Municipal Rose Garden, approximately 1.3 miles to the northwest, and the Gregory Plaza Tot Lot, approximately 1.7 miles to the southeast. A new City park is planned with the development of the Del Monte Cannery property on Auzerais Avenue, approximately 1.0 mile to the east.

Fire Protection

The project site is in the service area of the San Jose Fire Department. The closest fire station is Station No. 4, located at 710 Leigh Avenue, approximately 0.8 mile southwesterly of the site.

Police Protection

The project site is within Beat Building Block (BBB) 175 of the San Jose Police Department's service area. The most frequent calls-for-service in BBB 175 from November 1, 2006 through November 1, 2007 were vehicle theft, theft, narcotics, assault and burglary. When combined with the neighboring BBBs, the most frequent calls for service were theft, vehicle theft, narcotics and burglary.

Libraries

The project site is served by the San Jose Public Library System. The closest branch library is the Rose Garden Branch, located at 1580 Naglee Avenue, approximately 1.4 miles northwesterly of the site.

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
13. PUBLIC SERVICES. Would the project:					
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?			X		28
Police protection?			X		28,73
Schools?			X		4
Parks?			X		28
Other Public Facilities?			X		28

Schools

The project would add additional students to the San Jose Unified School District, as follows:

School	Enrollment	Generation Factor	Number of Students
Trace Elementary	791	0.133/du	1
Hoover Middle	1,138	0.071/du	1
Lincoln High	1,668	0.062/du	1

Based on the district generation factors listed above, the project would generate a total of up to 3 students. This is not considered to have a significant physical effect on the environment.

The State School Facilities Act provides for school district impaction fees for elementary and high schools and related facilities as a condition of approval to offset the increased demands on school facilities caused by projects. The San Jose Unified School District has implemented such a fee. The one-time fee, which is based on the square footage of new habitable residential construction, would be paid prior to the issuance of a building permit.

Parks

The City of San Jose provides parks and recreation facilities within the city. Project residents would increase the demand for public park facilities; however, there are currently no developed City parks within the 3/4-mile reasonable walking distance standard.

Parkland Dedications

The City has established a Park Impact Fee Ordinance that requires dedication of land and/or payment of fees for any net increase in residential units to help provide park and recreational facilities in accordance with the Services and Facilities and the Parks and Recreation Goals and Policies of the General Plan. There are currently no plans to dedicate land for park purposes with the project. Fees would be paid to improve park features in the area.

Fire Protection

The project site is in the service area of the San Jose Fire Department. No additional fire personnel or equipment are expected to be necessary to serve the project.

Police Protection

The San Jose Police Department provides police protection for the city. No additional police personnel or equipment are expected to be necessary to serve the project.

Libraries

The San Jose Public Library System provides library services for the city. No additional library personnel or volumes (items) are expected to be necessary to serve the project.

STANDARD REQUIREMENTS INCLUDED IN THE PROJECT

Schools

- A school impact fee will be paid to the San Jose Unified School District to offset the increased demands on school facilities caused by the proposed project, in accordance with California Government Code Section 65996.

Parks

- The project will conform to the City's Park Impact Ordinance (PIO) and Parkland Dedication Ordinance (PDO) (Municipal Code Chapters 14.25 and 19.38, respectively).

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

14. RECREATION

SETTING

There are no developed City of San Jose parks within walking distance (3/4 mile) of the project site. The closest City parks are the Municipal Rose Garden, approximately 1.3 miles to the northwest, and the Gregory Plaza Tot Lot, approximately 1.7 miles to the southeast. A new City park is planned with the development of the Del Monte Cannery property on Auzerais Avenue, approximately 1.0 mile to the east.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
14. RECREATION.					
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		70,71
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X	26,28

The City of San Jose provides parks and recreation facilities within the city. Project residents would increase the demand for public park facilities; however, there are currently no developed City parks within the 3/4-mile reasonable walking distance standard.

STANDARD REQUIREMENTS INCLUDED IN THE PROJECT

- The project will conform to the City's Park Impact Ordinance (PIO) and Parkland Dedication Ordinance (PDO) (Municipal Code Chapters 14.25 and 19.38, respectively).

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

15. TRANSPORTATION / TRAFFIC

SETTING

Street System

Access to the project site is provided by Douglas Street, which is a 2-lane residential street. W. San Carlos Street provides access to State Route 17 and Interstate 880 (I-880) to the northwest and to Downtown San Jose to the northeast; while access to I-280 is provided via Meridian Avenue to the southeast.

Public Transit

Public transit in the project area is provided by the Santa Clara Valley Transportation Authority. Bus route 23 (Alum Rock Transit Center to De Anza College) operates along W. San Carlos Street with stops at Willard Avenue. In addition, bus routes 61 (Good Samaritan Hospital to Sierra & Piedmont via Camden) and 62 (Good Samaritan Hospital to Sierra & Piedmont via Union) operate along Bascom Avenue and bus route 63 (Almaden Expwy. & Camden via Meridian to Downtown San Jose) operates along Race Street, both with stops at W. San Carlos Street. The project site is not located within 2,000 feet of a light rail station; however, the Race Street Station, on the Winchester Line, is located approximately 2,400 feet to the southeast.

Congestion Management Program Analysis

A Congestion Management Program (CMP) analysis was not performed because the Santa Clara County Congestion Management Agency, which monitors regional traffic issues, does not require an analysis for small projects of less than 100 peak hour trips.

Freeway Segment Analysis

A freeway level of service analysis was not performed since project trips on freeway segments would not be greater than one percent of the capacity of the segments.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
15. TRANSPORTATION/TRAFFIC. Would the project:					
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?			X		76
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X		78

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
15. TRANSPORTATION/TRAFFIC (Cont.). Would the project:					
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	27,28
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?				X	26,28
e. Result in inadequate emergency access?				X	26,28
f. Result in inadequate parking capacity?				X	26,28
g. Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	26,29

Traffic Impacts

The 6 single family attached residential units planned with the project would result in a total of 60 daily vehicular trips, based on 10 trips per unit per day, and 6 peak hour trips, based on a 10 percent peak hour factor. The project is exempted from the City's Transportation Level of Service Policy as it is a single family residential project of 15 dwelling units or less, and the City Council finds that such projects will not cause a significant degradation of transportation level of service and that such projects will further other City goals and policies. In addition, the Santa Clara County Congestion Management Agency, which monitors regional traffic issues, does not require an analysis for small projects of less than 100 units.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

16. UTILITIES AND SERVICE SYSTEMS

SETTING

Sanitary Sewers

There is an existing 6-inch City of San Jose sanitary sewer in Douglas Street. Extensions within the project would be required.

Wastewater Treatment

Wastewater treatment for the City of San Jose is provided by the San Jose-Santa Clara Water Pollution Control Plant (WPCP). Capacity is expected to be available to serve the project based on the current capacity of 167 million gallons per day (MGD). The Water Pollution Control Plant is currently operating under a 120 MGD dry weather flow trigger. This requirement is based upon the State Water Resources Board and the Regional Water Quality Control Board (RWQCB) concerns over the effects of additional freshwater discharges on the saltwater marsh habitat, and pollutants loading to the South Bay from the WPCP. A Growth Management System regulates new development to assure that the capacity is not exceeded. There are programs and services in place to help minimize flows to the Plant and, while plans are in place to ensure Plant compliance with the 120 mgd trigger, those plans call for conservation and water recycling as strategies for ongoing compliance.

Water Supply

There is an existing 17-inch San Jose Water Company water line in Douglas Street. Extensions within the project would be required.

Storm Drainage Facilities

There is an existing 18-inch City of San Jose storm drainage line in Willard Avenue. Extensions within the project would be required.

Solid Waste / Recycling

Residential solid waste disposal service for the project site is provided by the City of San Jose, using Garden City Sanitation, Inc. and/or California Waste Solutions. They are currently using the Newby Island sanitary landfill disposal site operated by International Disposal Company. The landfill area has an estimated service life of 30 years. An unlimited residential recycling program in the City currently results in an approximately 50 percent reduction in residential solid waste that typically required disposal in a landfill.

Gas and Electric Service

Natural gas and electric services for San Jose are provided by Pacific Gas and Electric Company. There are existing services in the area.

Telephone Service

Residential telephone service for the project site is provided by AT&T. There is existing service in the area.

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
16. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		28,80
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		28
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		28
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		28
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		28
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		28
g. Comply with federal, state and local statutes and regulations related to solid waste?			X		28

Sanitary Sewers

Sanitary sewer service for the project site is provided by the City of San Jose. The existing sanitary sewer line in Douglas Street is available and adequate to serve the project. Extensions within the project would be provided.

Wastewater Treatment

Wastewater treatment for the City of San Jose is provided by the San Jose-Santa Clara Water Pollution Control Plant. The project is estimated to generate an average of approximately 1,100 gallons per day (0.001 MGD) of effluent, based on the Growth Management System's land use/effluent coefficient of 180 gallons per day per single family attached residential unit. High energy efficiency appliances (e.g., Energy Star Certified clothes washers, dishwashers, etc.) would be provided with the project.

Water Supply

Water for the project site is provided by the San Jose Water Company. The existing water line in Douglas Street is available and adequate to serve the project. Extensions within the project would be provided. The project is estimated to require approximately 2,300 gallons of water per day, based on 120 gallons per person per day. The project incorporates built-in water savings devices such as shower heads with flow control devices and low flush toilets to reduce water usage.

Storm Drainage Facilities

An increase in impervious surfaces associated with project development would cause an increase in stormwater runoff. Storm drainage service for the project site is provided by the City of San Jose. The existing storm drainage line in Willard Avenue is available and adequate to serve the project. Extensions within the project would be provided. An onsite collection system including curbs, gutters and an underground system would be included in the project.

Solid Waste / Recycling

Residential solid waste disposal service for the project site is provided by the City of San Jose. The project is estimated to generate up to approximately 10 tons of solid waste per year, based on 3.0 pounds per person per day; however, with recycling, the amount disposed of in a landfill could be reduced to approximately 5 tons per year.

The project is also subject to mandatory construction and demolition debris recycling. At least 50 percent of the debris generated from the project must be recycled.

Gas and Electric Service

There are existing Pacific Gas and Electric Company gas and electric services in the area that would be extended as required to serve the project. There is sufficient capacity in this utility system to provide adequate project service.

Telephone Service

There are existing AT&T telephone facilities in the area that would be extended as required to serve the project. There is sufficient capacity in this utility system to provide adequate project service.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

17. MANDATORY FINDINGS OF SIGNIFICANCE

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
17. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal or (6) eliminate important examples of the major periods of California history or prehistory?		X		
b. Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects and the effects of other current projects.			X	
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

Impact Summary

As discussed in previous sections, the proposed project would have environmental effects that could cause substantial adverse effects on human beings, either directly or indirectly, with respect to biological resources, hydrology and water quality, and noise. With the implementation of the previously listed General Plan policies, Standard Requirements and Mitigation Measures Included in the Project, these impacts would be reduced to less-than-significant impacts with mitigation.

APPENDIX

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INITIAL STUDY / EIR

DISCLOSURE STATEMENT

APPLICANT Silicon Valley Development Services

PROJECT TITLE **Douglas Place**
PDC07-089 and Sunol No. 80

PROJECT LOCATION Southerly side of Douglas Street, approximately 150 feet easterly of Willard Avenue (1480 Douglas Street)

Mindigo & Associates has prepared the above Initial Study or Draft Environmental Impact Report, doing business as:

An Individual

The above-named, now has or will have the following direct or indirect economic interest or interests in the development of, or, after its completion, the operation of the project for which the attached Initial Study or Draft EIR has been submitted:

None, Except Fees For The Preparation Of Environmental Studies

I/We declare, under penalty of perjury, that the statements furnished above pertaining to the environmental effects of a proposed project and to my/our economic interest or interests in that project are complete, true and correct to the best of my/our knowledge and belief.

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In order to achieve maximum objectivity in the Environmental Review process, the City requires persons, including individuals, firms, associations, partnerships, trusts, corporations, or companies, who submit to the City applications for Environmental Clearance, or who submit to the City a proposed Draft EIR, to disclose any economic interest in the project which they have derived or will or might derive from the development of, or, after its completion, the operation of the project. This application shall apply to consultants and subcontracted consultants who prepare all, or portions of, the Environmental Clearance document or the proposed Draft EIR. Each proponent, consultant, and subcontracted consultant shall prepare a disclosure statement as presented in this application.

You have an indirect economic interest in the project if your spouse or dependent child or agent acting on your behalf owns or otherwise has an economic interest in the site upon which the project is to be developed or if your spouse or dependent child or agent acting on your behalf has a present or future economic interest in the development of, or, after its completion, operation of the project. Briefly but specifically describe each of your direct and indirect economic interests in the project. You need but disclose the nature of your economic interest in the project, not the amount of said interest. If you have no interest, simply write "none" in the space provided.

Persons and Organizations Consulted

1. **Ken Fuller**, Silicon Valley Development Services
2. **Jeff Guinta**, Building Designer, Innovative Concepts
3. **Michael Mena**, Planner, Department of Planning, Building and Code Enforcement, City of San Jose
4. **Bob Gonzales**, Director of Student Assignment, San Jose Unified School District
5. **Karen Mack**, Principal Engineering Technician, Transportation Department, City of San Jose
6. **Terry Hardy**, Engineering Clerk, Maps and Records Division, Engineering Department, San Jose Water Company
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8. **Jim Reilly**, Planner III, Planning Office, County of Santa Clara

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TECHNICAL APPENDIX

TECHNICAL APPENDIX

Copies of the following consultants' reports, which were prepared for the **Douglas Place** and are summarized in this Initial Study, are included in this Technical Appendix.

Results of the Tree Survey Conducted for the Site Located at 1480 Douglas Street in San Jose, CA, Live Oak Associates, Inc., November 28, 2007

Photographs of Ordinance-Sized Trees

Historical Evaluation in San Jose for 1480 Douglas St., Archives & Architecture, December 3, 2007

Phase I Environmental Site Assessment, 1480 Douglas Street, San Jose, CA 95126, AEI Consultants, June 20, 2007

Environmental Noise Assessment, 1480 Douglas Street, San Jose, California, Charles M. Salter Associates, Inc., January 22, 2008